

## SENATE.

THURSDAY, January 26, 1905.

The Senate met at 1 o'clock p. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, there being no objection.

## JAMES WAH KIA CUS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, inclosing, with related papers, the draft of a proposed bill to authorize the Secretary of the Interior to cancel the trust patent issued to James Wah kia cus for certain lands in the State of Washington on his allotment application No. 5, Vancouver, Wash.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

## DETAIL OF RETIRED ARMY OFFICERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 23d instant, a list giving the names of the retired officers who are detailed for service, with their rank, location, and the service for which detailed; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

## REFUND OF DUTY ON SEED WHEAT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, recommending the enactment of a law authorizing the Secretary of the Treasury to refund the duty paid on wheat actually used for seed, under rules and regulations prescribed by him; which was referred to the Committee on Finance, and ordered to be printed.

## ANNUAL REPORT OF COMMISSIONER OF PATENTS.

The PRESIDENT pro tempore laid before the Senate the annual report of the Commissioner of Patents for the calendar year 1904; which was referred to the Committee on Patents, and ordered to be printed.

## CREDENTIALS.

Mr. SMOOT presented the credentials of George Sutherland, chosen by the legislature of the State of Utah a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

Mr. MILLARD presented the credentials of ELMER J. BURKETT, chosen by the legislature of the State of Nebraska a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

Mr. NELSON presented the credentials of MOSES E. CLAPP, chosen by the legislature of the State of Minnesota a Senator from that State, for the term beginning March 4, 1905; which were read, and ordered to be filed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 97) providing for the payment of the expenses of the Senate in the impeachment trial of Charles Swayne.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 2052. An act for the relief of Ramona O. Williams and Joseph A. Springer;

H. R. 12898. An act to create a new division in the eastern judicial district of the State of Missouri; and

H. R. 15477. An act to change the name of Thirteen-and-a-half street to Linworth place.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 14757. An act to further provide for Presidential succession; and

H. R. 16799. An act making Texas City, Tex., a subport of entry in the customs collection district of Galveston.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture.

The message further returned to the Senate, in compliance

with its request, the bill (S. 5501) granting an increase of pension to Sarah A. Rowe.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

H. R. 16450. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 16570. An act to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.," approved May 20, 1902; and

S. R. 17. Joint resolution to provide for the printing of 8,000 copies of the consolidated reports of the Gettysburg National Park Commission, 1893 to 1904, inclusive.

## PETITIONS AND MEMORIALS.

Mr. STONE presented a petition of the Presbyterian Ministerial Association of St. Louis, Mo., praying for an investigation into the conditions existing in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Christian County, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of the board of directors of the Live Stock Exchange of Kansas City, Mo., and a petition of the board of directors of the Cotton Exchange of St. Louis, Mo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Duncan, Ind. T., praying for the enactment of legislation providing for the opening of lands in Comanche County, Okla., giving settlers preference right to purchase; which was referred to the Committee on Public Lands.

Mr. KNOX presented petitions of the Woman's Missionary Society of the Second Presbyterian Church of Wilkinsburg; of Joshua L. Bailey, of Philadelphia; of William L. Bailey, of West Chester; of Sarah L. C. Huyck, of Starrucca, and of H. S. Keck, of Marienville, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented memorials of the Woman's Christian Temperance Union of Bird in Hand; of the Woman's Christian Temperance Union of the Zion Church of Reading; of the Woman's Christian Temperance Union of the United Brethren Church of Reading; of the Woman's Home Missionary Society of the Christ Methodist Episcopal Church, of Pittsburg; of Henry Wilson Post, No. 129, Department of Pennsylvania, Grand Army of the Republic, of Milton; of the Woman's Christian Temperance Union of Boyertown, and of the congregation of the First Methodist Episcopal Church of Dorranceton, all in the State of Pennsylvania, remonstrating against the repeal of the present anticean law; which were referred to the Committee on Military Affairs.

He also presented the petitions of Joseph Howard, of Emporium; of J. G. Schaal, of Pittsburg; of H. B. Mitchell, of Harrisburg; of C. M. Elliott, of Lock Haven; of Herbert Dupuy, of Pittsburg, all in the State of Pennsylvania, and of Bishop Satterlee, of Washington, D. C., praying for the enactment of legislation providing for the opening and improving of Massachusetts and Boundary avenues NW., in the city of Washington, D. C.; which were referred to the Committee on the District of Columbia.

He also presented petitions of the congregation of the Northminster Presbyterian Church, of Philadelphia; A. E. Bacon, of Philadelphia; C. W. Chain, of Philadelphia; Z. M. Briggs, of Philadelphia; Mary Janney, of Philadelphia; J. G. Fuller, of Philadelphia; Thomas Collins, of Philadelphia; W. W. Allen, of Philadelphia; E. L. Burnett, of Philadelphia; J. W. Cochran, of Philadelphia; N. E. Janney, of Philadelphia; J. R. Rushman, of Philadelphia; E. H. Farr, of Philadelphia; W. W. Fiske, of Philadelphia; C. R. Woodruff, of Philadelphia; of the Woman's Home Missionary Society of Christ Methodist Episcopal Church, of Pittsburg; B. F. Kendall, of Marienville; H. W. Lippincott, of Philadelphia; E. W. Lowery, of Philadelphia; J. S. Cox, of Philadelphia; of the Parents' and Teachers' Club of the Heston School, of Philadelphia; Laura E. C. Barney, of Philadelphia; A. B. Hoxie, of Philadelphia; L. K. Johnson, of Philadelphia; of the Lutheran Ministerial Association of Allegheny County, all in the State of Pennsylvania, and the Woman's Republican Club of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a

Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of sundry members of Patriotic Order Sons of America of Windsor, of Patriotic Order Sons of America of Bonair, of Patriotic Order Sons of America of Annville, of Patriotic Order Sons of America of Noxen, of Patriotic Order Sons of America of Marietta, of Patriotic Order Sons of America of Laurelton, of Patriotic Order Sons of America of Minersville, of Patriotic Order Sons of America of Icksburg, and of Patriotic Order Sons of America of Trevorton, all in the State of Pennsylvania, praying for the enactment of more stringent laws and regulations governing immigration; which were referred to the Committee on Immigration.

He also presented petitions of Campbell's Lodge, Division No. 65, Order of Railway Conductors, of Pittston; of Good Will Lodge, No. 106, Brotherhood of Railroad Trainmen, of Allegheny; of Reading Division, No. 75, Brotherhood of Locomotive Engineers, of Reading; of McKees Rocks Division, No. 201, Order of Railway Conductors, of McKees Rocks; of S. B. Neff Lodge, No. 225, Brotherhood of Railroad Trainmen, of Pittsburgh; of Dunmore Lodge, No. 382, Brotherhood of Railroad Trainmen, of Dunmore, and of Sunbury Division, No. 187, Order of Railway Conductors, of Sunbury, all in the State of Pennsylvania, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. DOLLIVER presented a petition of Local Division No. 410, Order of Railway Conductors, of Belle Plaine, Iowa, praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. PENROSE presented a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation to correct the present inequality in the law by which the Government can recover interest and costs on duties in case of underpayment, etc.; which was referred to the Committee on Finance.

He also presented a memorial of the congregation of the First Methodist Church of Dorranceton, Pa., remonstrating against the repeal of the present antitean law; which was referred to the Committee on Military Affairs.

He also presented a memorial of the congregation of the First Methodist Episcopal Church of Shenandoah, Pa., remonstrating against the passage of the so-called "Hamilton statehood bill;" which was ordered to lie on the table.

He also presented a petition of Franklin Grange, No. 1169, Patrons of Husbandry, of Franklin, Pa., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Sunbury Lodge, No. 43, Brotherhood of Railroad Trainmen, of Sunbury, Pa., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented petitions of Patriotic Order Sons of America, of Mountaintop; of sundry citizens of Noxen; of Patriotic Order Sons of America, of Laurelton, and of sundry citizens of Marietta, all in the State of Pennsylvania, praying for the enactment of legislation providing more stringent laws regulating immigration; which were referred to the Committee on Immigration.

He also presented a petition of the Lancaster County Retail Druggists' Association, of Lancaster, Pa., and a petition of the Dauphin County Pharmaceutical Association, of Harrisburg, Pa., praying for the adoption of an amendment to the Revised Statutes, relating to medicinal preparations; which were referred to the Committee on Patents.

He also presented petitions of the congregations of the United Evangelical Church of Lewistown; the Presbyterian Church of Lewistown; St. John's Lutheran Church, Lewistown; the Presbyterian Church of Reedsville; the Presbyterian Church of Burnham; the Presbyterian Church of Milroy; the Methodist Episcopal Church of Reedsville; the Methodist Episcopal Church of Lewistown; the Methodist Episcopal Church of McVeytown; the Methodist Episcopal Church of Burnham; the Methodist Episcopal Church of Milroy; the Methodist Episcopal Church of Newton Hamilton, and of the Trinity Reformed Church of Lewistown, all of the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

#### VESSELS OF THE NAVY.

Mr. HALE. I present a paper containing certain information, in tabular form, relating to vessels, the personnel and appropriations of the Navy, and the comparative strength of the great naval powers. I move that the paper be printed as a document,

and referred to the Committee on Naval Affairs, and that 300 additional copies be printed for the use of that committee. The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (S. 6761) making appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California, reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17333) to authorize the construction of a bridge across Red River at Shreveport, La.; and

A bill (H. R. 17749) authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (S. 6648) to establish a light and fog signal station near Point Cabrillo, Cal., reported it without amendment, and submitted a report thereon.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8077) granting an increase of pension to John McFarlane;

A bill (H. R. 11312) granting an increase of pension to Malana W. Brant;

A bill (H. R. 13260) granting an increase of pension to William Starks; and

A bill (H. R. 7378) granting an increase of pension to Israel Purdy.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 9758) for the relief of the heirs of George McGhehey for services rendered as mail contractor, reported it without amendment, and submitted a report thereon.

#### EMPLOYMENT OF ASSISTANT CLERK.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Minnesota [Mr. CLAPP] on the 23d instant, to report it with amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments were, in line 4, to strike out the words "period of one month" and insert "remainder of the session;" and after the words "hundred dollars," in the same line, to insert the words "per month;" so as to make the resolution read:

*Resolved*, That the chairman of the Senate Committee to Examine the Several Branches of the Civil Service be, and is hereby, authorized to employ an assistant clerk for the remainder of the session, at a salary of \$100 per month; and the Secretary of the Senate is authorized to pay said salary from the contingent fund of the Senate.

The amendments were agreed to.

The resolution as amended was agreed to.

#### COMPILATION OF LAWS RELATING TO IMPROVEMENT OF RIVERS AND HARBORS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 164) for the printing of a compilation of the laws of the United States relating to the improvement of rivers and harbors, to report it favorably without amendment, and I ask for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole. It provides that there shall be printed 3,000 copies of a compilation of the laws of the United States relating to the improvement of rivers and harbors, passed until and including the laws of the second session of the Fifty-eighth Congress, of which 600 copies shall be for the use of the Senate, 1,400 copies for the use of the House of Representatives, and 1,000 copies for the use of the War Department, the compilation to be printed under the direction of the Secretary of War.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PORT OF NORWALK, CONN.

Mr. PENROSE. I am directed by the Committee on Commerce to report back favorably without amendment the bill (H. R. 16790) making Norwalk, Conn., a subport of entry. I call the attention of the Senator from Connecticut [Mr. PLATT] to the report.



Mr. PLATT of Connecticut. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to constitute Norwalk a subport of entry in the customs collection district of Fairfield, Conn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. McCOMAS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6880) granting an increase of pension to Robert G. Bordley;

A bill (S. 6881) granting an increase of pension to John P. Enoch;

A bill (S. 6882) granting an increase of pension to Rebecca A. Holbrook (with an accompanying paper);

A bill (S. 6883) granting an increase of pension to Jesse Hyder (with an accompanying paper);

A bill (S. 6884) granting an increase of pension to John P. Socks; and

A bill (S. 6885) granting an increase of pension to Daniel Creamer.

Mr. BERRY introduced a bill (S. 6886) to give the consent of the United States for the State of Arkansas to extend her western boundary line; which was read twice by its title, and referred to the Committee on Territories.

Mr. KNOX introduced a bill (S. 6887) granting a pension to Benjamin F. Zell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 6888) granting a pension to W. M. Morgan; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6889) granting an increase of pension to Hugh F. Taylor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 6890) for the relief of the heirs of the late Jennie Hunter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 6891) for the relief of George G. Wortman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6892) granting an increase of pension to Richard H. Tombaugh; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6893) granting an increase of pension to Nancy Littlefield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6894) granting an increase of pension to William Kress; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 6895) granting an increase of pension to Ann E. Gridley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 6896) granting an increase of pension to William Gleason; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6897) granting an increase of pension to James Flanagan; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6898) granting an increase of pension to Joseph Wood, alias Joseph Rule; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 6899) granting a pension to Eda W. McCammon; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6900) for the relief of W. E. Gorton; which was read twice by its title, and referred to the Committee on Territories.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment providing that hereafter the expert accountant, Inspector-General's Department, shall have the rank and pay of captain, mounted, and authorizing the President to appoint, by and with the advice and consent of the Senate, the present expert accountant, Inspector-General's Department, to that rank and grade, intended to be proposed by him to the army appropriation bill; which, with the accompanying paper, was ordered to lie on the table and be printed.

Mr. CLAPP submitted an amendment proposing to insert, after the words "under the act of January 14, 1889," in the provision relating to the return of deposits to purchasers of pine timber from the lands of the ceded Chippewa Indian Reserva-

tion, in the State of Minnesota, the words "as amended by act of June 27, 1902," intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate \$180,000, to be paid out of the proceeds of the sales of the Osage lands in Kansas, to pay the executor or the administrator of the late C. N. Vann and William P. Adair, respectively, the balance due under the resolution of the national council of the Osage Indians, passed and approved June 26, 1875, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$2,500 for salary of consul at Hermosillo, Mexico, and a like amount for salary of consul at Jalapa, Mexico, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate \$1,200 for a superintendent in charge of agency and educational matters on the Cœur d'Alene Reservation, in Idaho, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$15,000, \$5,000 of which shall be immediately available, for experimenting in fertilizers, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

#### HOUSE BILLS REFERRED.

H. R. 14757. An act to further provide for Presidential succession was read twice by its title, and referred to the Committee on the Judiciary.

H. R. 16799. An act making Texas City, Tex., a subport of entry in the customs collection district of Galveston was read twice by its title, and referred to the Committee on Commerce.

#### ARMY APPROPRIATION BILL.

Mr. PROCTOR. I ask that the army appropriation bill, House bill 17473, be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (H. R. 17473) making appropriation for the support of the Army for the fiscal year ending June 30, 1906.

Mr. PROCTOR. As the Senate is thin, I will give way for any business on the Calendar which will not lead to discussion.

#### SIERRA FOREST RESERVE.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 17345) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. PETTUS. I should like to inquire of the Senator in charge of the bill the number of acres, or approximately the number of acres, included.

Mr. KITTREDGE. I can not give the exact number of acres. It is quite a large tract, however. The bill is based upon the report of a commission authorized by Congress at its session of a year ago. The bill is drawn upon the report of that commission, it is approved by the Secretary of the Interior, and it comes with a unanimous report in its favor from the Committee on Forest Reservations and the Protection of Game.

Mr. PETTUS. About what number of acres does it include?

Mr. KITTREDGE. I am unable to give the exact number of acres without referring to papers.

The bill was ordered to a third reading, read the third time, and passed.

Mr. KITTREDGE. I call attention to Order of Business 2959 on the Calendar, being the bill (S. 6490) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve. It is a Senate bill involving the same proposition. I think it should be indefinitely postponed.

The PRESIDENT pro tempore. The bill will be indefinitely postponed.

Mr. STEWART subsequently said: I move to reconsider the vote by which the bill (H. R. 17345) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve, was passed.

The PRESIDENT pro tempore. The motion will be entered.

## GRAND ENCAMPMENT OF KNIGHTS TEMPLAR.

Mr. GALLINGER. I ask for the present consideration of the bill (S. 6584) to incorporate the trustees of the grand encampment of Knights Templar of the United States of America.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, in section 3, page 3, line 14, to strike out the word "said" before the word "permanent;" so as to read:

That this corporation shall have authority and be empowered to take, hold, manage, control, and invest the permanent fund of \$30,000 of said grand encampment, and such additions as shall be made thereto from time to time.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. The committee report to strike out the preamble.

The PRESIDENT pro tempore. The preamble will be stricken out, there being no objection.

## CONSTRUCTION OF IRRIGATION WORKS.

Mr. HANSBROUGH. I ask unanimous consent for the consideration of the bill (H. R. 14710) authorizing the use of earth, stone, and timber on the public lands and forest reserves of the United States in the construction of works under the national irrigation law.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with amendments, on page 1, line 9, after the word "lands," to strike out "and forest reserves;" and in line 11, after the word "works," to insert "and the Secretary of Agriculture is hereby authorized to permit the use of earth, stone, and timber from the forest reserves of the United States for the same purpose, under rules and regulations to be prescribed by him;" so as to make the bill read:

*Be it enacted, etc.,* That in carrying out the provisions of the national irrigation law, approved June 17, 1902, and in constructing works thereunder, the Secretary of the Interior is hereby authorized to use and permit the use by those engaged in the construction of works under said law, under rules and regulations to be prescribed by him, such earth, stone, and timber from the public lands of the United States as may be required in the construction of such works, and the Secretary of Agriculture is hereby authorized to permit the use of earth, stone, and timber from the forest reserves of the United States for the same purpose, under rules and regulations to be prescribed by him.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## NOAH DILLARD.

Mr. PLATT of Connecticut. I ask unanimous consent for the consideration of the bill (H. R. 3109) for the relief of Noah Dillard.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with amendments.

The first amendment was to strike out after the enacting clause the words:

That the Secretary of the Treasury of the United States of America be, and he is hereby, authorized and directed to pay to Noah Dillard, one-half out of any moneys not otherwise appropriated and one-half out of the revenues of the District of Columbia.

And in lieu to insert:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to pay to Noah Dillard.

So as to read:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to pay to Noah Dillard the sum of \$303.12, or so much thereof as may be found due him, for labor performed and material furnished under contracts dated July, 1872, and August 7, 1873, and entered into by the board of public works of the District of Columbia and Noah Dillard and Parker Moulton, contractors, which contracts were numbered, respectively, No. 388 and No. 821, and now on file in the office of the Commissioners of the District of Columbia, together with all extensions and assignments of said contracts known and of record as aforesaid numbered 388 and 821.

The amendment was agreed to.

The next amendment was, on page 2, line 15, after the word "same," to insert:

To provide for the payment herein authorized, the sum of \$303.12, or so much thereof as may be necessary, is hereby appropriated, one half out of any money in the Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## ESTATE OF HENRY LEE, DECEASED.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (H. R. 6375) for the relief of the executors of the estate of Henry Lee, deceased.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to pay to the executors of the estate of Henry Lee, late a merchant in the city of Boston, in the State of Massachusetts, \$3,750, being an excess of taxes improperly levied and collected on legacies and distributive shares of the personal property of the said estate, which tax was paid by the executors on March 15, 1899; said payment to be in full for all claims by reason of such assessment and collection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ARMY APPROPRIATION BILL.

Mr. PROCTOR. The army appropriation bill is before the Senate, I believe.

The PRESIDENT pro tempore. The army appropriation bill is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17473) making appropriation for the support of the Army for the fiscal year ending June 30, 1906.

Mr. PROCTOR. On page 21, line 8, I move that the word "five" be stricken out and the words "six, or any other act" inserted. There was a clerical error in copying the language of the appropriation act of last year.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 21, line 8, after the words "hundred and," strike out "five" and insert the words "six, or any other act;" so as to read:

And nothing in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1906, or any other act, shall hereafter be held or construed so as to deprive officers of the Army, wherever on duty in the military service of the United States, of forage, bedding, shoeing, or shelter for their authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the terms of this act.

The amendment was agreed to.

Mr. PROCTOR. Now, I wish to call up the two amendments on pages 28 and 30, which have relation to each other. I call the attention of the senior Senator from New Hampshire [Mr. GALLINGER] to the amendment.

The PRESIDENT pro tempore. The amendment on page 28 will be stated.

The SECRETARY. On page 28, line 20, after the word "oceans," the Committee on Military Affairs report to insert:

And hereafter no steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained.

Mr. PLATT of Connecticut. What is the next one?

Mr. GALLINGER. The other is where the committee propose to strike out the House provision on page 30.

The PRESIDENT pro tempore. The question is on agreeing to the amendment on page 28.

Mr. GALLINGER. The only object I had, Mr. President, in requesting yesterday that this amendment should go over was to ask the Senator in charge of the bill the particular purpose he has in view in inserting that language in the bill. I notice that in the bill of last year there was a similar provision.

Mr. President, if the statistics which have been furnished me are correct, I find that there are now eight transports not in service, the total cost of them having been \$4,474,431.63. Those transports—the *Grant*, the *Hancock*, the *Hooker*, the *McPherson*, the *Sedgwick*, the *Rosecrans*, the *Missouri*, and the *Relief*—are, as I said, not now in service. They cost the Government nearly \$5,000,000, and this provision prevents them from being disposed of unless we pass an act of Congress in each instance. I presume there is some good reason for it, but it did not appeal to me as I read the bill.

Mr. PROCTOR. Mr. President, I hardly think it would be necessary to pass an act of Congress in each instance. General authority given to the Secretary of War to dispose of them might cover the whole matter. I will state the reason for putting in this provision. It has been in the previous bills.

The transport service was established in a time of emergency at a very great cost. It was a necessity then. As might be expected, high prices were probably paid for some of these ves-



sels. Those that have been sold have brought, as I have looked over the list, I should think, from 5 to 20 or possibly 25 per cent of their cost, and many of them were sold at the low percentage. It may be that the Government can get this transport service by private companies at a less cost. The work that the Government does usually costs more than that done by private companies. But we have stricken out a provision on page 30 which prohibited the Government from employing private companies for the transport service. We thought that removed the principal objection to the insertion of this paragraph, which had been inserted in previous appropriation bills.

The East seems to be the theater of danger, and we do not know but that we may be called on for the use of additional transports there. It seemed to the committee wise that they should be retained. Congress meets frequently, and there can be no loss in reserving this right to Congress. In haste these transports might be sold, and unwisely sold, perhaps. It is too important a matter, it seemed to the committee, to leave in the discretion of a Department to abolish a system that had been established at so much cost.

It appeared to us that it was wise insurance against possible combinations or exorbitant charges by private companies, and that it would be better to retain these vessels until Congress could take some positive action.

Mr. GALLINGER. Mr. President, I had no thought of asking that the transport service should be abandoned, although, in my judgment, that would be a wise thing to do. Great Britain had a transport service between her home ports and her colonies which she sustained for a great many years, but some years ago she abandoned it, I think, forever, because of its expensiveness and her desire to build up her merchant marine.

I am personally persuaded that if the matter of the transportation of army supplies were opened to the owners of American vessels instead of the Government going into this business in competition with American shipowners, we would get a much cheaper service than we are getting now.

The record shows that the Government owns twenty-two transports, and that they have cost \$12,742,578.55. Of those transports, as I observed a moment ago, eight are out of commission at the present time, and those eight cost the Government \$4,474,431.63. It strikes me that the transports out of commission might well be disposed of in the discretion of the Secretary of War, if a purchaser should come along, without having the matter tied up as the bill ties it up, so that no disposition can be made of them until we pass an act of Congress giving authority to the Secretary of War to do that.

Mr. President, when the Merchant-Marine Commission held its sessions on the Pacific coast we were met by a suggestion that impressed me very profoundly, and it was this: The Government of the United States has commissioned you gentlemen, at some expense, to come here and inquire what can be done to rehabilitate the merchant marine, and yet that very Government is in competition on this coast with American shipbuilders and shipowners in the matter of transportation. Our suggestion would be to you, gentlemen, to get rid of this competition in the first place before you ask the American people to spend their money toward rehabilitating or restoring the merchant ships. That suggestion made a very profound impression on my mind. The commission made a careful investigation of the subject, and I want to read from the report of the commission what they thought of the matter at the time their report was made, and I think no change of sentiment has since occurred on this question.

Mr. TELLER. May I ask the Senator from New Hampshire what he is about to read?

Mr. GALLINGER. From page 39 of the report of the Merchant Marine Commission, made to the Senate on the 4th day of January.

In the hearings of last summer at Puget Sound and San Francisco it was discovered that mercantile sentiment on the Pacific coast very earnestly demanded the abandonment of the transport service to and from the Philippines, on which the Government had entered from necessity in the Spanish war. This transport service has been practically suspended on the Atlantic Ocean; it is only on the Pacific that it has been retained, and there it has been partly discontinued. But several large transports, foreign-built vessels, are still in operation between the Philippines and the Pacific seaboard, conveying not only soldiers, but all manner of Government freight and supplies, and even a considerable number of civilian passengers.

In other words, the Commission, instructed by Congress, on the recommendation of the President, to investigate the feeble and even desperate condition of the American merchant marine, found that the Government itself was directly and powerfully contributing to the decline of American merchant shipping on the Pacific Ocean by operating rival lines of foreign-built craft, and depriving American vessels, in a time of profound peace, of a business to which they were legitimately entitled. Not only this, but it was insisted that the Government was actually conducting this business at a very much higher price than that for which American shipowners were willing to perform the service.

Mr. BAILEY. Mr. President—

Mr. GALLINGER. I yield to the Senator from Texas.

Mr. BAILEY. Mr. President, under the order of the Senate it becomes necessary for me to attend a meeting to hear arguments on a matter now pending before the Committee on Privileges and Elections. I must be in the committee room at 2 o'clock, and so I am going to ask the indulgence of the Senator from New Hampshire [Mr. GALLINGER] and the indulgence of the Senator from Vermont [Mr. PROCTOR] to now present an amendment to the pending bill, which I proposed on yesterday. I believe it is in order to offer the amendment now, and I should like to have a vote on it at this time.

Mr. PROCTOR. Under the circumstances, I shall not object to the amendment being now considered out of its order.

Mr. HALE. Let us hear what it is, Mr. President.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent for the present consideration of an amendment proposed by him to the pending bill. The amendment will be stated.

The SECRETARY. On page 31, line 21, before the word "thousand," it is proposed to strike out "fifteen" and insert "ninety;" so as to make the total appropriation for "construction and repair of hospitals," \$390,000.

It is also proposed to insert at the end of line 22, after the word "dollars," the following:

*Provided, That \$75,000 be used in the erection of a modern sanitary hospital at Fort Sam Houston, Tex.*

Mr. BAILEY. Mr. President, I only wish to say that this is in accordance with the repeated recommendations of the Department.

The PRESIDENT pro tempore. Is there objection at the present time to receiving and considering the amendment proposed by the Senator from Texas? The Chair hears none.

Mr. PROCTOR. I make no objection, Mr. President. The erection of this hospital has been, as the Senator from Texas says, very strongly recommended. There are others which have also been recommended, but I should have to object to them. This, however, I think, is at the head of the list. It is the most important post in Texas, and I think perhaps a hospital is most needed there. I therefore make no objection to the amendment.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, the report of the Merchant Marine Commission goes on to say:

#### A MATTER OF BOOKKEEPING.

To all of the members of the Commission who visited the Pacific coast this procedure of the War Department appeared to be absolutely indefensible. It is true that in his recent annual report the Quartermaster-General of the Army figures out a profit of \$398,236 for the transport service as compared with the rates which commercial steamers would have charged, but this profit, as a matter of fact, is altogether due to a radical difference in bookkeeping methods between commercial steamship companies and the Quartermaster's Department.

Steamship companies, like all other private business enterprises, are compelled to pay taxes, to pay insurance rates—and marine insurance is high—and to make large annual allowances for interest and depreciation. One of the witnesses before the Commission at San Francisco was the major and quartermaster in charge of the army transport service there. He was questioned as follows:

"Representative MINOR. Major, have you in your calculation made any allowance for deterioration?"

"Major DEVOL. No, sir."

"Representative MINOR. Ordinarily, I believe, that is 5 per cent, is it not?"

"Major DEVOL. We do not carry that; neither do we carry interest on investment."

"Representative MINOR. Then you do not pay any taxes, of course, as shipowners would have to pay?"

"Major DEVOL. No, sir."

"The CHAIRMAN. Do you insure the Government property?"

"Major DEVOL. We never insure."

"The CHAIRMAN. So you take that risk?"

Major Devol further stated that the original cost of the four transports now performing the Manila service "could probably be reckoned at \$4,000,000"—others were being held in reserve. The usual allowance of a steamship company for taxes, interest, insurance, and depreciation would not be far from 15 per cent per annum, or about \$600,000 on these four transports, to say nothing of the fixed charges on the others—charges which the Quartermaster's Department may ignore, but which can not be so lightly treated in the economics of an ordinary business corporation. Of course these charges would convert the profit of the transport service into an undeniable deficit.

#### COSTLY AS WELL AS UNWISE.

And though these charges may be overlooked, they can not be ignored. Deterioration proceeds as inevitably in the transport as in the liner. Most of these foreign-built transports on the Pacific were by no means new vessels when they were acquired. In general efficiency and economy of operation they are not to be compared with the new American-built commercial steamships which American enterprise has put into service on the Pacific Ocean since the war with Spain. A steamship manager at Seattle testified that his company could have saved the Government \$150,000 in two years if the supplies carried by an old foreign-built transport had been conveyed by his new commercial steamers. Said this witness, Mr. Frank Waterhouse, managing agent of the Boston Steamship Company:

"I think I can show you that we can carry cargo cheaper than the

*Dis*, for this reason if no other: On the *Dis* there is no return cargo from the Philippine Islands. All her cargo is one way. We could not begin to operate our line under any circumstances if we took cargo but one way. Now, we carry cargo both ways. Our average earnings east bound are fully as much as our average earnings west bound. Of course, that is bound to tell in the cost.

"Representative SPRIGHT. In that way you are able to carry cheaper than the Government?"

"Mr. WATERHOUSE. Certainly; we carry cargo both ways."

If the same bookkeeping methods by which such factors as taxes, interest, insurance, and depreciation are entirely ignored, were applied to other transactions, it could doubtless be proved beyond dispute that the United States Government could not only conduct a steamship business more cheaply than private shipowners, but that it could make steel rails and woolen cloth and boots and shoes at a lower price; that it could mine coal more cheaply, do the country's banking, and operate its railroads. But if the United States Government is to attack any industry as a competitor, it ought in all fairness to select one that is prosperous and robust, and not set up as a rival to an interest that, because of long-continued neglect, is now fighting a veritable battle for existence.

The two American steamship companies which regularly ply across the Pacific to Asia and the Philippines are face to face with overwhelming odds in the large subsidies enjoyed by the parallel lines of Japanese and British steamers. The least that our Government could do to aid these American lines would be to give them the carrying of its own soldiers and their supplies. Neither Great Britain nor Germany maintains a transport service. Both nations find it more satisfactory and economical to make use of their regular commercial steamers, and both nations thereby foster and encourage in a perfectly legitimate way the enterprise of their shipowners and merchants. The United States stands alone in denying this assistance to its maritime interests.

#### SECRETARY ROOT'S VIEW.

For some inexplicable reason, the gradual discontinuance of the transport service of the United States, which Hon. Elihu Root noted and commended in his annual report as Secretary of War in 1902, seems now to have been arrested. Mr. Root spoke of the sale of some transports and the laying up of others, and added:

"In October bids were invited from commercial lines for transportation of passengers and freight for the Army between San Francisco, Portland, Seattle, and Tacoma and Manila until June 30, 1903. A number of bids have been received, but the comparative advantage of operating under them has not yet been worked out, and no contract has been awarded. As rapidly as it becomes apparent that the Government business can be done more economically in any part or as a whole by this method it is the purpose of the Department to follow the same course which has been followed upon the Atlantic in discontinuing the use of Government transports and to put the business in the hands of commercial lines on the basis of open competition.

"I am satisfied that it is practicable for private shippers to do ordinary business much cheaper than it is possible for the Government to do it under the limitations which rest upon Government action, and that they can afford to do the business for less than it costs the Government and still make a profit. At the same time, by following this method, the Government will be aiding to build up regular commercial lines between the Pacific coast and Manila, which is much to be desired."

The Commission earnestly indorses this authoritative recommendation, and urges Congress to complete as soon as possible the discontinuance of the transport service, as a measure of economy and a sure and acceptable encouragement to American trade and navigation on the Pacific Ocean. The military power of the United States will be not the loser, but the gainer, by an enlightened policy tending to increase the number of modern American steamships available for use, and to strengthen our commerce with the Orient.

Mr. President, the Commission found in their investigations on Puget Sound and the Pacific coast that there are now a very large number of American vessels lying idle, unable to compete with the Japanese, German, French, and English steamships, which are so heavily subsidized, and which are run at a much less cost than American steamships possibly can be. In their desire to aid the American merchant marine, in their desire to be able to report to Congress that there was in this respect, as in other respects, some hope that the American merchant marine might be revived, the Commission were unanimous in the view that this was one point that they could safely recommend to Congress, and which they hoped would be accepted by Congress.

The Commission could see no reason why the Government, operating steamships at a higher cost than private citizens, should be in competition with American steamship owners, and they were very clearly of the opinion that the transport service ought, gradually of course, to be discontinued, and that we should follow the example that all the other great commercial and maritime nations of the world have adopted in this regard. But, Mr. President, to my utter surprise, when this bill came over from the other House, where attention was called to this matter by a gentleman representing a district on Puget Sound, I found in the bill this most remarkable provision:

*Provided*, That no part of the \$12,000,000 hereby appropriated shall be paid to any steamship company for the transportation of supplies or enlisted men or officers of the United States from the Philippine Islands to the United States or from the United States to the Philippine Islands.

Mr. President, I confess that I have been utterly at a loss to understand how any man representing the American people, at a time when we are trying to devise means to rehabilitate the American merchant marine, could have voted for a provision that absolutely prohibits American steamships from engaging in the business of carrying supplies between the United States and the Philippine Islands; and I congratulate the Senator

from Vermont and his committee for having struck that from the bill, which, I apprehend, they will see does not appear in it again, because it is a most vicious provision, and one which, if enacted into law, would be notice served upon the American people that Congress is hostile to the American merchant marine, and that Congress is willing, while we now carry an aggregate of only about 9 per cent of our exports and imports in American vessels, to so legislate that we should even be put in a position where the American merchant marine would be in worse shape than it is at the present time.

Mr. HALE. I am very glad the Senator has called attention to that remarkable provision as it came from the House of Representatives, which he has read, as follows:

*Provided*, That no part of the \$12,000,000 hereby appropriated shall be paid to any steamship company for the transportation of supplies or enlisted men or officers of the United States from the Philippine Islands to the United States or from the United States to the Philippine Islands.

Let me ask the Senator if that does not absolutely prevent American-built and American-manned merchant ships and steamers from competing for this business?

Mr. GALLINGER. Absolutely so. If there were 5,000,000 feet of lumber to be transported from Puget Sound to the Philippine Islands, and an American ship offered to carry it for 25 per cent less than a transport could carry it for, the American vessels would be prohibited from taking the cargo.

Mr. BEVERIDGE. What was the reason given?

Mr. HALE. So that it is the theory of the provision that American-built ships shall have no part in the Government service. The provision goes absolutely to the furthest point, that American-built ships shall not be allowed to bid for these contracts, and they are excised from this trade entirely. Is not that the fact?

Mr. GALLINGER. It goes further than that, if I read the provision correctly. I think the provision also excludes foreign steamships from that trade.

Mr. SPOONER. It excludes all steamships.

Mr. GALLINGER. It gives an absolute monopoly to the transport service of the United States.

Mr. HALE. I am not so much interested in that as I am in this. I should like to have somebody explain how it was that a provision of that kind, which it seems to me nobody could favor, was put in the bill. Senators who are opposed to outright subsidies certainly would not be in favor of excluding American ships, now built and ready for the trade, from bidding and competing for it; but this provision of the bill, as it came from the House, absolutely excludes them.

Mr. BEVERIDGE. It excludes all ships, does it not?

Mr. HALE. I am not so much interested in "all ships." I am interested in American ships. Of course it excludes all ships, but that I am not so much interested in as that it excludes our own ships, our American-built ships. It is not a question of subsidy; it is a question of their being permitted to compete for this Government trade. As the Senator from New Hampshire so well stated, every other country on the face of the globe favors and discriminates in favor of its own marine in its government work and in its government transportation; and here is a most remarkable provision that strikes a blow right in the face of every American-built and American-manned ship.

I am very glad that the Senate committee has gone as far as they have in striking out the provision which prohibits any steamship company from engaging in the Government's Philippine trade; but I can see, Mr. President, if the Senator from New Hampshire will allow me—

Mr. GALLINGER. Certainly.

Mr. HALE. That they do not need to put in this other provision which forbids the War Department, although it finds that it can get this service done cheaper, from selling these useless ships that have been built and bought abroad and brought into the service in time of war. Why should not that be left to the Department?

Mr. KEAN. May I ask the Senator from Maine a question?

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from New Jersey?

Mr. HALE. Yes.

Mr. KEAN. Would these foreign ships now owned by the Government be admitted to American registry if they were sold?

Mr. HALE. Only by act of Congress.

Mr. KEAN. I hope that will be done.

Mr. HALE. That certainly can be left to the Department. If the Department finds that it has got these useless ships on its hands and, under whatever the law may be, can sell them, dispose of them, and get the work done more cheaply by our own ships, certainly we ought not by a prohibition to prevent the Department from selling these vessels. It is safe enough to



leave it to the Department without this provision. If they do not want to sell them and can use them to advantage, they will not sell them; but to say that they shall not sell them if the exigencies of the case demand it seems to me very unreasonable. It is not so bad a provision as the one stricken out, but it seems to me, with deference to the Senator from Vermont, that it is a needless provision.

Mr. PROCTOR. Mr. President, before the Senator from Maine came in I stated briefly the reason for inserting this provision that has been in previous army appropriation bills. Already in these vessels has deterioration taken place, and has now gone clear down to the bottom. They would bring, if sold, very little indeed; but they are, as I said, a kind of insurance that it seems to me it is wise to keep—an insurance against exorbitant charges by private lines or combinations between them. There may arise an emergency where they will be needed, and it seems unwise to give to the Department the discretion of changing, by a hasty order perhaps, a service that has been established at so much cost and that has accomplished an excellent purpose, though at a high price, to be sure.

Mr. HALE. It is not quite a question of giving to the Department the discretion. This provision takes away from the Department the discretion, and declares that they shall not sell these transports. If, in the course of due administration, the Department finds the best thing to do is to sell them, we do not give them the power to do so, but we declare the vessels shall not be sold. Does the Senator himself want to go so far as that? Is it not safe to leave the matter with the Department? They will not sell these transports unless under all the circumstances and conditions it is deemed a desirable thing to do. If they want to keep them as an insurance, to use the illustration of the Senator, against combinations, they will keep them; but to say that under any circumstances they shall not sell them is another blow against the American merchant marine.

I think the action of the Department will be conservative in this matter. Anyway, they will not sell unless all the conditions demand that they shall sell; but to say that under no circumstances shall they sell it seems to me is going a little too far.

Mr. PROCTOR. The two amendments go together. The second one strikes out the provision prohibiting the Government from contracting with private lines. I can assure the Senator from New Hampshire and the Senator from Maine that if the first amendment is agreed to, the second one will be. The first one will not be agreed to and the second one omitted. They should go together.

Mr. HALE. I agree with the Senator that the second amendment, striking out a provision which is, it seems to me, almost monstrous, is the most important one. If we can do no better, it is much wiser to have that amendment agreed to, leaving in the amendment which the Senator has reported on a previous page of the bill, than to do nothing; but I should be very glad to have both provisions stricken out.

Mr. PROCTOR. I have, Mr. President, run over the testimony given by officers of the Department before the House committee, in which some very strong points were made. It was said that in many instances a large saving has been made by using the Government transports over what would have been the cost if the bids of private companies had been accepted. It seems to me wise to retain for the present that provision in regard to the sale of transports. Congress meets frequently, and if the Department comes to the conclusion that it is safe to sell these vessels there is no doubt that Congress would readily act in accordance with their recommendations.

The Senator from California [Mr. PERKINS] is quite familiar with the transport service and he may have some views about it. I should be glad at the close of the discussion to hear from him.

Mr. HALE. If the matter goes to conference with both amendments agreed to, I hope the conferees on the part of the Senate will not in any way be tied up or excluded from fair conference, that they will take monition from this discussion, and will insist on the amendment on page 30, which is, of course, the principal important amendment.

Mr. PROCTOR. I can assure the Senator that the committee was unanimous upon that amendment, and it will be adhered to.

Mr. PERKINS. Mr. President, I have been unavoidably detained from the Senate during this discussion and therefore have been deprived of the privilege of hearing the reasons advocated by the members of the Committee on Military Affairs why this amendment should prevail.

Mr. GALLINGER. I would suggest to the Senator that as I have the floor perhaps he would better defer his remarks for a few moments.

Mr. PERKINS. I beg pardon. I was not aware the Senator from New Hampshire had the floor. I am always glad to yield

to my friend from New Hampshire, who is now chairman of the great commission on shipping that is to revive the American merchant marine. I want to say "amen" to whatever he says, for they are my sentiments pretty generally. [Laughter.]

Mr. GALLINGER. Now, Mr. President, I think I will conclude what I have to say, and then the Senator from California will have his opportunity. I have been good-naturedly yielding to two or three Senators, and very glad to do so, and would be glad to yield to the Senator from California were it not that I may have to leave the Chamber.

I am still of the opinion that it is not good administration to have on hand eight old transports, which the Senator from Vermont [Mr. PROCTOR] says have deteriorated to the bottom, kept as old junk, or that we should put a provision in this bill that the Secretary of War can not dispose of them, no matter what offer may be received, unless he comes to Congress and gets a bill passed giving him that power. I am surprised that the Senator from Vermont takes that view. These transports, I apprehend, are in very bad shape, and unless the Government repairs them at an enormous cost, they will probably scarcely float again. As a matter of fact, they are not needed in the transport service.

The Senator from Vermont intimates that we may have trouble in the Far East. We are not going to have any trouble whatever in the Far East—other nations may have—and so the remaining eight transports, which seem to be in commission, are beyond question sufficient for our present need.

The Senator from Vermont says that he has run over the testimony before the House committee and he finds that money is saved in some instances by these transports. Mr. President, as I have suggested before, in estimating the value of the transport service they do not include the cost of depreciation; they do not include insurance; they do not include taxes; they do not include any of the items that go to make up the cost of sailing ships. Leaving out those items, they have figured, in some instances, an economy to the Government.

When the Merchant Marine Commission was at Seattle, the secretary of the Seattle Chamber of Commerce, Mr. James B. Meikle, who is very well versed in all marine matters, gave testimony before the Commission. He said:

I have a statement that was made last winter which shows the cost of operating the *Dia*—

That is one of the transports—

from the time she was purchased by the Government, March 1, 1901, up to September 6, 1903. It shows the total cost to have been \$474,156.06. The cost of carrying the same amount of forage and miscellaneous freight and passengers carried by the *Dia* under the contract existing with the Boston Steamship Company would have been \$349,401.22, a difference in favor of commercial lines of \$124,756.84.

And that is only one steamship. It was shown there, furthermore, Mr. President, that the commercial liners made the voyage to the Philippines and back in almost one-half of the time that the Government transports took to make it. On the whole, the Merchant Marine Commission, acting wisely or otherwise, were so fully persuaded that the Government ought to go out of this transport business that they made that recommendation.

However, this is not the bill, nor is this the place to undertake to accomplish that result; but this is the place and this is the bill in which we might at least give the Secretary of War the discretion he has heretofore had—I think until the last army appropriation bill was passed—of selling these transports.

Mr. PROCTOR. The prohibition has been in two previous bills.

Mr. GALLINGER. It has been in two previous bills. Then up until two years ago it was in the discretion of the Secretary of War, when he had an old hulk, an old foreign ship, which had been used to transport supplies and soldiers to the Philippines, and that had deteriorated to the bottom, as the Senator from Vermont expresses it, to sell it if he found a purchaser.

Mr. LODGE. May I ask the Senator from New Hampshire a question?

Mr. GALLINGER. Certainly.

Mr. LODGE. The provision giving him the authority to sell has never been repealed?

Mr. GALLINGER. Not unless this provision in the army bill does it.

Mr. LODGE. It is now the existing law?

Mr. GALLINGER. Yes; by the provision in the last army appropriation bill.

Mr. PROCTOR. The prohibition is now the law.

Mr. LODGE. The prohibition?

Mr. PROCTOR. Certainly; because it was put in the bill of last year and the bill of the year before. It is the same one that is in this bill.

Mr. GALLINGER. I would say to the Senator from Massachusetts that the Secretary of War is prohibited from selling

any transport under that prohibition in the army bill. But, as a matter of good administration, I can not see why this prohibition should be placed upon the Secretary. If a private citizen owned an old vessel that was deteriorated to the bottom, or half way to the bottom, and had not any work for her to do; if she was laid up, if she was out of commission, and some other citizen came along and offered to buy her, I apprehend the owner would take a pretty small sum of money and get rid of her; and I think the Secretary of War ought to have this discretion vested in him as it was vested in him until two years ago, when the army bill took it away from him.

I shall not myself vote for this amendment, Mr. President, although its adoption will do no particular harm, and I want again to congratulate the Senator from Vermont and the committee that they took out of the bill a provision so hostile to the merchant-marine interests of the United States that it startled me when I read it, and I think it would startle the American people if a provision of that kind ever found its way into our statutes.

Mr. PERKINS. Mr. President, I merely want to say a word in response to my friend the Senator from New Hampshire [Mr. GALLINGER]. I am in accord with his views as expressed. I believe the second amendment proposed by the committee should prevail. To prohibit the Secretary of War from paying to steamship companies, in case of emergency, any part of the money appropriated for the transportation of passengers or freight is very unwise and impolitic.

In saying that the transports are not fit for service, that they are deteriorating, that they are not sea-going vessels, I think our friends are not correctly informed. My information from the superintendent of the transport service in San Francisco is that every one of the ships belonging to the United States transport service is now lying at anchor in Benicia, in California, near the junction of the San Joaquin and Sacramento rivers, and every one of them can be put in service on twenty-four hours' notice.

I think it is a wise provision, too, that the Secretary of War should not sell these vessels at a sacrifice. I do not assume that he would do so if given the discretion, and yet none is better aware of it than the senior Senator from Maine that we bought during our war with Spain vessels at a very high price, paying in many instances a much larger sum than they were worth. It was necessary for us to have them; and many of them were afterwards sold for a mere pittance. I want no better testimony as to the wisdom of the Committee on Military Affairs in placing this amendment in the bill than that furnished in an extract from the report of the Quartermaster-General. He says:

During the fiscal year there were sold the transports *Egbert* and *Rosecrans* for \$50,000 each, the *Sedgwick* for \$52,000, and the steam yacht *Viking* for \$14,377.

The *Rosecrans*, I may say, was sold to the Government for use as a dredger, and she was sent to the Columbia River. That is perhaps the reason why we received so small a sum for her. Her value was very much greater, and I know that private steamship companies stood ready to pay twice that sum for her. This report goes on to say—

Mr. ALGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Michigan?

Mr. PERKINS. Certainly.

Mr. ALGER. The Senator from California has made a statement concerning the purchase of transports during the Spanish-American war, and says that much more was paid for them than they were worth. I should like a bill of particulars. No ships were purchased during that time, except perhaps a few small ones, where we did not take the advice of the best shipbuilders in the country; and one man from whom we purchased \$4,000,000 worth of ships came and offered the Secretary of War a large bonus if he would cancel the contract.

I felt as though the business end of the transaction was being assailed by the Senator from California.

Mr. PERKINS. It was furthest from my mind to reflect upon the efficiency of the Secretary of War or the Secretary of the Navy during our unpleasantness with Spain. But I reiterate that shipowners were not going to sacrifice their vessels to the Government when they had other trade for them, and if the Secretary of War and the Secretary of the Navy had had a few months' time in which to purchase them I have no doubt they could have done so to better advantage. Nevertheless the highest praise is due to the Secretary of War and the Secretary of the Navy for the efficient manner in which they purchased ships and manned them and made them ready for service, and I disclaim the slightest intention, even by implication, to reflect upon what was accomplished in so short a time by the head of each of those two Departments.

Yet the fact remains that many of the smaller vessels were sold for from 25 to 50 per cent less than they were purchased for. At least that was the report that came before the committee.

I want to read what the Quartermaster-General says in his report:

The experience of the Department in its efforts to sell such of the transports as it was not actually necessary to keep in active service at all times has demonstrated that it is impossible to obtain prices commensurate with the real value of the vessels, and, therefore, it has been determined to lay up the spare ships—two or three on the Atlantic coast and the others in the harbor of San Francisco. Ships thus laid up are kept in such condition that the Department stands ready to put them into active service on short notice should an emergency arise requiring their use.

He further says:

On June 30, 1903—

Only a little over a year ago—

On June 30, 1903, the following ocean-going owned transports were in active service: *Burnside*, *Dix*, *Ingalls*, *Kilpatrick*, *Liscum*, *Logan*, *Seward*, *Sheridan*, *Sherman*, *Sumner*, *Thomas*, and *Wright*. The transports *Buford*, *Cook*, *McClellan*, *Meade*, and *Warren* are out of commission but ready for service on short notice in case of need.

To maintain the trans-Pacific transports in a thoroughly seagoing condition, upon the arrival at San Francisco of each ship, after making the trip to the Philippines and return, a board, consisting of the general superintendent, the marine superintendent, the superintending engineer, the quartermaster, master, and chief engineer of the transport, makes a thorough and careful inspection of the vessel to ascertain the repairs required, and the work of making the repairs deemed necessary by this board is let to the lowest bidder after competition.

He speaks highly of the transport service under direction of the Secretary of War and the very able superintendent in San Francisco, who has charge of vessels in the Government transport service in San Francisco, on Puget Sound, and in the Columbia River.

I, therefore, think that no possible harm can be done by the adoption of the amendment proposed by the Committee on Military Affairs. I believe that the Secretary of War, if he desires to sell these ships, should invite proposals for them and then submit them to Congress. We are in session six months out of the year, and I do not believe the public or the Government service will suffer by a few months' delay in selling these transports, if it is decided to do so. The whole secret of this, in one sense of the word, is that steamship companies like those I have been associated with on the Pacific coast are very desirous of doing this business for the Government. But the Government should not give this business to a private steamship company, when it has the ships to do the business and to do it more economically and more efficiently than private steamship companies could perform the service. I, therefore, hope that both of the amendments will be adopted by the Senate.

Mr. ALLISON. Mr. President, I think the Committee on Military Affairs has acted wisely in dealing with this question of transportation. I should have regretted exceedingly if they had brought in a report here agreeing to the matter embraced in the second amendment. That I regard as bordering, very tenderly and kindly, upon an absurdity—that the Government of the United States should absolutely prohibit not only the employment of privately owned American vessels, but the employment of any such privately owned vessel in the transportation of whatever we may have to transport to or from the Philippines. I think the first amendment, which has been somewhat criticised, is also a wise one. It is an amendment in accord with existing law, as I understand, and with what has been the law now for two or three years. As I remember, there was some discussion here two or three years ago on this question, when it was debated at some length; and I think the conclusion from that discussion was that it was wise for the Secretary of War to submit to Congress the question of the propriety or the feasibility of disposing of these transports. They seem to have cost us some \$12,000,000. That is a pretty large sum. I suppose they would bring now only a fraction of that sum. But that is an important matter, and I think the head of the Department ought to submit it to Congress before taking final action.

I am led to think that this is a wise thing to do in view of the fact that we are now entering upon a great project—the construction of the Panama Canal—and I understand that the Government of the United States now owns some eight or nine vessels, perhaps not so many. They were acquired by recent purchase from the Panama Canal Company. This law, as it now stands, would preclude any Department of the Government from disposing of those ships, and I think it ought to preclude them. I think the question of dealing with the Government vessels we now have is a matter for the consideration of Congress in the future. Let the status quo remain until we have a full discussion of this whole subject.

I for one am glad that the Merchant Marine Commission



has taken pertinent testimony upon the subject. But none of us have had an opportunity of investigating that question, by and large, as I presume we will have an opportunity to investigate it in all its relations, in the perhaps—

Mr. GALLINGER. Near future.

Mr. ALLISON. In the near future, the Senator from New Hampshire says, but I fear it will not be so near as some would wish. But at any rate, I think these two amendments from the Committee on Military Affairs ought to be adopted by the Senate, and they ought to be adhered to by the Senate. They are both important amendments, as I regard them, one limiting the discretion of the Secretary of War and the other removing an absurdity.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment is on page 30, beginning in line 11.

Mr. PROCTOR. Do I understand the amendment on page 30 is agreed to?

The PRESIDENT pro tempore. Not yet. The amendment is now before the Senate. The question is on agreeing to it.

The amendment was agreed to.

Mr. PROCTOR. As the senior Senator from Missouri [Mr. COCKRELL] and the senior Senator from Maine [Mr. HALE] are in their seats, I ask that the amendment on page 10 be now considered, as I think the Senator from Missouri has a modification of it which he wishes to offer.

Mr. HALE. What page?

Mr. PROCTOR. Page 10.

The PRESIDENT pro tempore. Page 10.

Mr. PROCTOR. Lines 5 to 11.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 10, line 5, after the word "Provided," it is proposed to strike out:

That when a vacancy shall next occur in the office of Assistant Chief of the Record and Pension Office such vacancy shall not be filled, and said office shall then cease and determine.

And to insert in lieu thereof the following:

That hereafter vacancies that shall occur in the office of Assistant Chief of the Record and Pension Office shall be filled by appointments from captains of the line of the Army.

Mr. COCKRELL. I desire to add to that what I send to the desk.

The PRESIDENT pro tempore. The Senator from Missouri offers an amendment to the amendment.

The SECRETARY. At the end of the matter proposed to be inserted it is proposed to add:

And officers holding permanent appointments in the grades of major and lieutenant-colonel in the Military Secretary's Department shall be entitled to promotion in the order of their standing in their respective grades to any vacancy that may occur in the grade next above them in said Department.

Mr. HALE. Mr. President, the trouble about that is that it is evidently an amendment which comes from the corps, and it may have very wide-reaching effect and nobody knows anything about it. The committee has not scrutinized it, and nobody can tell how far it would go; and, as has been suggested by a Senator who sits near me, there is no recommendation on the part of any authority that has jurisdiction in the matter.

One trouble about the army legislation has been that a great deal of it has passed and Senators have known really very little of what was going on. I never knew, until I saw the practical operations of what is called the General Staff bill, that it practically makes the Secretary of War a figurehead, and transfers the power and the administration to the General Staff of the Army. I did not know that was contemplated, and I do not think Senators knew generally it was contemplated. To-day the head of the Army is a very competent and a very distinguished public servant, who is amply capable of performing the administrative duties of the War Department, as was the last Secretary, who was a very accomplished man; and yet to-day the power of the Department, the administration in the Department, has passed from him to other officers in the Department.

I notice to-day in the morning papers that a report came of military operations in the Philippine Islands. It was not directed to the officer's superior in the Department; it was not reported to the Secretary of War, but was sent to a subordinate officer in the Department, because the power has passed.

I had a little experience of that kind. In the last session of Congress an appropriation of \$500,000 was made for the erection of libraries and gymnasiums and small structures at army posts, for the proper entertainment, perhaps diversion, of the

men. Everybody supposed it would be distributed, as such matters are, being a pure matter of administration, and not of war. I, in my innocence, went up to the Department to see the Secretary, to see if I could get some of that money for posts in my State. I was informed at the Secretary's office that the Secretary had nothing to do with it; that the General Staff had taken possession of it.

That was not a matter of tactics or of war or of military. It was pure civilian administration. I was informed that I could have a hearing before the General Staff on the question whether I could get some of that money. I said: "I will talk with the Secretary of War upon this matter, but I will not cool my heels waiting for the General Board to decide whether some of this money that Congress has appropriated shall be distributed to my State," and I withdrew.

A few days after I got a letter from a Sunday school association in Portland, asking that permission be given to them in an excursion to visit one of the forts. I wrote General Crozier, who had charge of the Ordnance Department, and asked for permission. The reply that I received was that he had nothing to do with it; that the General Staff had taken charge of Sunday-school excursions, and that nobody had anything to do with it except the General Staff.

The Secretary of War to-day—I speak in his praise, and I have the greatest confidence in him—is absolutely ejected from the administration of the War Department on almost all matters of administration, and it has been usurped by the General Staff. When that provision was made, and when Congress agreed to that legislation, the Senate knew nothing whatever about what was coming. I knew nothing about it. So I am skeptical upon anything, even an amendment offered by the Senator from Missouri, whom we all have learned to regard and respect as a safe legislator. Even when coming from him I am apprehensive of what will be the effect of an amendment that allows the officers in the Military Secretary's Office to be promoted into other corps.

Mr. COCKRELL. That is just exactly what the amendment prevents.

Mr. HALE. I say—

Mr. COCKRELL. That is precisely the object of it—

Mr. HALE. That may be the case.

Mr. COCKRELL. To confine the promotions to that office.

Mr. HALE. If it is, it is a good thing.

Mr. COCKRELL. I thought so myself.

Mr. HALE. I do not know how many it affects. The Senator from Vermont says to me it only affects one officer. But I am making my protest against legislating on these subjects when we do not know and can not contemplate the results. I do not know but that this is all right. Perhaps the Senator can explain it.

Mr. TELLER. I want to ask the Senator from Maine a question.

Mr. HALE. Certainly.

Mr. TELLER. I wish the Senator would state to us who are not specially learned in this matter what officers compose the General Staff. How many of them are there and who they are? I do not mean who they are personally.

Mr. HALE. I do not think there is any objection to the officers of the General Staff personally. They are able. General Chaffee is at the head, but the old arrangement by which the power was lodged in the civilian branch of the Department—in the Secretary of War, and in his Assistant when the Secretary was absent—has now been changed so that the General Staff, headed by the senior major-general in the Army is doing the business of the War Department to-day.

Mr. TELLER. What does the Secretary have to do?

Mr. HALE. Well, the Secretary is busy. He goes to Panama and he is going to the Philippines. He is not a man to be content with a life of languorous ease. He is an efficient and an able and competent man. He is diverted to other duties outside. But if we have any business to do with the War Department to-day, instead of going to the Secretary, as we used to do, who is the administrator, we go to the General Board, and it is the result of what applies in both Army and Navy—the desire of the professional men in the Army and Navy to reduce and at last to eliminate the civilian power. I discover the same thing in the Navy—a disposition there and a determination to get a General Staff in the Navy, so as to make the Secretary of the Navy a dummy.

I do not propose, Mr. President, so long as I am here and have the power of protest, to consent to that, and it will never be done in the Navy Department until it is thoroughly understood, for the safety of these Departments and their working in proper relation to the Government is in the great civilian administrative duties that are performed there by the civilian part of the

Department. When you abolish that, when you override that, when you transfer it to the purely military part, you have ceased to have an administration of these great Departments that is in any way in sympathy with the people or with Congress and which only looks to its own aggrandizement. That is why I am calling attention to this case.

Mr. BEVERIDGE. The Senator from Maine does not contend that it is unwise to have a General Board, but merely that its powers are too wide?

Mr. HALE. Yes; I go further than that. I do not think there was any need of a General Staff, and you can not have a General Staff but that General Staff will arrogate the powers that perhaps in a great war, in an empire like Germany or Russia, may be needed to conduct military operations. But in peace there is no need of a General Staff.

Mr. BEVERIDGE. I did not understand that the Senator from Maine contended that it was unwise to have a General Staff at all, but merely that, having one, its powers had been made too great.

Mr. HALE. It assumes these powers. That is *ex necessitate rei*. It comes from the creation of the General Staff that it will arrogate power and will run the Department; and it is not in the contemplation of our general framework of government that the civilian administration of either of these Departments should be abolished.

Mr. PROCTOR. The Senator, of course, is aware that the General Staff has no power except what is given to it by the Secretary of War.

Mr. HALE. Now, that is an answer I have heard constantly when it is urged we should have a General Staff in the Navy. But the Secretary of War is constantly changing. He comes and goes. He comes in a new man, and he finds the General Staff, which is permanent, and lodged and buttressed by its decisions and its management, and he can do nothing. He will not make a revolt. The Senator from Vermont says he is not standing up for the General Staff. I hope he is not, because in time Congress will find out what some of us have already found out.

Mr. PROCTOR. I think it is a question of two sides; but it was established by the honest efforts of Secretary Root.

Mr. HALE. Of a retiring Secretary.

Mr. PROCTOR. I think there are very good features about it, and possibly some objections. I consider it as being now tentative. It is on trial.

Mr. HALE. I hope it will be; but it was established on the recommendation of a very able man, who was a retiring Secretary; he was on the point of going out. I am very glad that I have an opportunity to call the attention of Congress to this matter, because it will be constantly coming up. Senators will find out what I have found out. It will come up in the attempt to ingraft this provision exterminating the civilian power and making it military in the Navy Department. I wish to warn Senators that that question is likely to come up, and when it does come up it will be pretty thoroughly debated.

Mr. COCKRELL. Mr. President, I confess frankly that I am astounded at the statements which have been made by the distinguished Senator from Maine, for whose judgment we all have the greatest respect. I am sorry that he has not investigated the conditions existing at the War Department under the present law more carefully than has been done. The Secretary of War to-day has more power, as is recognized and admitted by the Army, than he has ever had at any time in the history of this country. There has always been a conflict between the commanding officers of the Army and the Secretary of War. The legislation creating this staff, in fact, gave the Secretary of War more power than he had before.

I wish to say that Secretary Root was not in the hands of this staff and controlled by them, nor is the present Secretary—Secretary Taft—in the hands of the staff. I do not know whether the staff arrangement is going to prove to be the most efficient and acceptable or not, but I know it was not intended when the staff was created to give it jurisdiction over the civil branch of the War Department. We have had that question before us time and again. Some of the liveliest correspondence that is on record is found between the Secretary of War and the Commanding General of the Army. We have always asserted that the Secretary of War was the head and had absolute power and the Commanding General had to yield to him. When General Schofield came in as Lieutenant-General he frankly admitted that power and got along pleasantly.

I do not know that there has been any conflict between the staff and the Secretary of War, but I know that the Secretary of War will never be overruled by the staff unless they convince him that what they propose is better for the public service and for the Army than what he has himself proposed.

Mr. HALE. That tells the whole story. The first considera-

tion is not with the Secretary, but with the General Staff, and in order to exercise any power he has got to overrule it.

Mr. COCKRELL. Not at all.

Mr. HALE. Has not the Senator met with the same experience I have? He says there is no disposition to arrogate control of the administrative, the civilian part of the Department; but has he never found out, as I have found out, that things which are purely administrative, to be considered by the Secretary, have been taken in charge by the General Board, and the only power the Secretary has is the nominal power of overruling? Of course he can overrule nominally, but he is not likely to do that. He ought to consider these things first. In the old way the part that is purely administrative ought to come to the Secretary, and he ought not to be hampered by the action of a board that he has to overrule in order to establish his own power. The Senator and I are not very far apart.

Mr. COCKRELL. I would never consent to anything that would take the civil power of the Secretary of War out of his hands and make it purely military.

I do not believe in that, and I never have done so. I have always sided with the Secretary of War in his contests with the Commanding General. I think some of the commanding generals have not behaved as they ought to have done. I say that very frankly. All my sympathies have been with the Secretary of War.

But it was thought, and there were, I think, strong arguments presented for it, that this staff, composed of officers from all the different branches of the service, would be better able to regulate and determine, after discussion among themselves, what was the best policy to be pursued in the different branches, and in case of a war they would be able to keep one branch of the service from monopolizing the whole transportation, for example, and having an abundance of one thing and a scarcity of another, as was the case in the Spanish war, and which probably could not have been avoided unless the Secretary of War had had his fingers upon each one of the different branches and had somebody besides their own officers to confer with in the requests or suggestions and propositions they made.

Mr. HALE. Does not the Senator think that a subordinate commander in the War Department reporting from the Philippines or wherever else he may be, instead of reporting to a subordinate in the War Department, to another officer of the general staff of the Military Secretary, ought to report to the Secretary of War?

Mr. LODGE. Under the old system he reported to the commanding general.

Mr. HALE. Oh, no.

Mr. COCKRELL. From the time whereof the memory of man runs not to the contrary, you never could find a time when there was a different rule. All the officers of the Army reported to the Adjutant-General while that office existed, and now since the Military Secretary has the duties of the Adjutant-General all reports are made to him. It is no discourtesy to the Secretary of War; it is no discourtesy to the commanding general of the staff, that a report is made to the Military Secretary of the War Department. When General Corbin was there all reports were made to the Adjutant-General, but that did not give the Adjutant-General jurisdiction to determine what should be done. Those reports went to the Secretary of War, if they belonged there. If it was something that could be attended to by the Quartermaster-General or the Commissary-General or the Surgeon-General's department the report was sent there. It is the same way now.

Mr. HALE. The Senator has long been on the Military Affairs Committee. I think he ought to know that the reports which were sent in to the Adjutant-General, to the heads of the different staffs, were only upon minor matters of detail, but that important reports upon military operations in both departments have been, and ought to be, reported directly to the head of the Department.

Mr. COCKRELL. If the Senator will take the Rebellion Records and read all the many reports that were made by the Union officers during the war he will find them, with scarcely an exception, addressed to the Adjutant-General at the War Department, or if a report was made to a corps commander or an Army commander it would be addressed to him.

Mr. PROCTOR. I ask the Senator from Missouri to allow me to add a clause to the amendment of the committee to come in before his amendment.

Mr. COCKRELL. I have no objection to it. Read it.

Mr. PROCTOR. I propose to add a clause to the pending committee amendment as follows:

And the officers now designated by the title of "Assistant Chief of the Record and Pension Office," and by the title of "Assistant Adjutant-General," shall hereafter be designated by the title of "Military Secretary."

That merely changes the nomenclature of the officers as they



appear on the appropriation bill. It would leave the Adjutant-General \$7,500 and all the rest would be included under the head of the office of the Military Secretary. All this takes place by operation of the present law as soon as three or four officers on the permanent list go out of service; but it is confusing to have a part of that bureau named "Office of Military Secretary," another part named "Office of Assistant Adjutant-General," and another part the "Record and Pension Division." There are three names for what is really the office of the Military Secretary.

While I am up, as the Senator from Colorado [Mr. TELLER] asked about the duties of the officers in that branch, I will state that there are twenty-nine of them. Twenty of them are on duty away from Washington at the different headquarters of divisions and departments. Seven of them only are on duty in the office of the Military Secretary. Before this change was made there were nine there and in the Adjutant-General's Office. There are two less, really.

Mr. HALE. I have no doubt the Military Secretary, whatever comment may be made upon his being a major-general in the fighting part of the Army, is an exceedingly competent business man. He makes people under him earn their money. When he was engaged in the civilian part of the work, in records and pensions, he redeemed that office from inefficiency and made it to a degree a perfect office. There is nothing to be said about his competency in managing business. But I have never known and I have never been informed that under the arrangement which continued for a century there was really any fault to be found with the operation of the old Adjutant-General's Department. That is a feature which has always been connected with our Army. It is connected with every military organization. It is connected in the States with the business administration of the military part of the government. I have never been able to learn why it was abolished and the duties turned over to a new officer, who is created a Military Secretary. Although the place is filled by an exceedingly able and competent and honest man—General Ainsworth—I have never been able to see why this new-fangled arrangement was incorporated into the new legislation. But I do not make any complaint as to the efficiency of General Ainsworth. He speaks for himself wherever you see him.

The PRESIDENT pro tempore. Did the Senator from Vermont, in behalf of the committee, modify the committee amendment?

Mr. PROCTOR. I modified it by adding the clause I sent to the desk. The Senator from Missouri accepts it.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Missouri to the amendment of the committee as modified.

Mr. PROCTOR. He accepts it, I understand.

Mr. COCKRELL. I accept that amendment, but mine is an amendment to the amendment of the committee.

Mr. SPOONER. I should like to hear the amendment as modified read.

The PRESIDENT pro tempore. The amendment as modified and as proposed to be amended by the Senator from Missouri will be read.

The SECRETARY. On page 10, line 5, after the word "Provided," strike out down to and including the word "determine," in line 8, and insert:

That hereafter vacancies that shall occur in the office of Assistant Chief of the Record and Pension Office shall be filled by appointments from captains of the line of the Army, and the officers now designated by the title of "Assistant Chief of the Record and Pension Office" and by the title of "Assistant Adjutant-General" shall hereafter be designated by the title of "Military Secretary," and officers holding permanent appointments in the grades of major and lieutenant-colonel in the Military Secretary's Department shall be entitled to promotion in the order of their standing in their respective grades to any vacancies that may occur in the grades next above them in said Department.

Mr. HALE. Mr. President, will the Senator from Vermont state why these appointments should be limited to captains of the line of the Army?

The PRESIDENT pro tempore. The Senator will suspend for one moment. The hour of 3 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. I ask unanimous consent that the unfinished business be temporarily laid aside until the army appropriation bill is disposed of.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate continue the consideration of the army appropriation bill. The Chair hears no objection.

Mr. HALE. Now, will the Senator from Vermont tell me why these vacancies should be limited to captains of the line of the Army? What reason is there why captains in the Commissary, Subsistence, or Quartermaster-General's Department, who are business men and versed in business, educated as business men in the Army, should not have an opportunity to be appointed in these places?

Mr. PROCTOR. Mr. President, as was stated yesterday, this provision applies at the bottom of the list. The appointment of major was allowed by law to be made from civil life. This is to change that. I will state that it meets the full approbation of the Secretary of War and the President.

Now, I will state the reason why it should be confined to the line of the Army. The captains of the staff have already received a promotion when appointed to the staff. If they are appointed as captains they are taken from the first lieutenants. They are jumped in almost all cases, sometimes over hundreds. There was an application of a captain as a staff officer in the Subsistence Department for appointment to this place. It was very favorably considered. He was a very excellent officer. But when he was appointed as commissary he had been jumped over a large number of lieutenants, and he would have been still further jumped over a great many captains if he had been appointed major. Fortunately in his staff place he has already been appointed a major in the Commissary Department.

Mr. HALE. This jumping process is basic in the Army. We have instances of it every day. It is not confined to the Staff Corps. There are a great many sudden vaultings of inferior officers over the heads of other officers in all parts of the Army. I do not see from the Senator's explanation why a captain in the Commissary, the Subsistence, or the Quartermaster's Department should stop when he has been made a captain and not be permitted to be in line for a promotion of this kind which makes him a major, because there are majors in the Staff Corps. Why is it confined to captains of the line, and why are all officers in the Staff Corps of corresponding rank shut off? Why not provide that these places may be filled by the appointment of captains in the Army?

Mr. PROCTOR. To use the Senator's phrase, this officer has vaulted over other officers once. We think it hardly fair that he should be allowed to vault twice. Let some one who has not vaulted at all have a chance.

Mr. BEVERIDGE. And not have a kangaroo process.

Mr. HALE. Vaulting is not confined to the Staff Corps of the Army by any means. The jumping and the friction and the heartburning that come from officers being passed over and junior officers placed above them are not in any degree confined to the Staff Corps of the Army. It runs all through the Army. While, of course, I do not know as much about this matter as the Senator from Vermont, I can not see why a man who is commissioned and is an actual captain in a business corps of the Army should not have as much opportunity for this promotion as the line officer.

Mr. PROCTOR. I think I have stated a very good reason. He has already been promoted over many of his fellows. This provision confines it just where it ought to be—to the officers who are in the direct line of promotion. The staff officer has his chance for promotion in his own corps, and he ought not to have two chances for promotion.

Mr. SPOONER. I should like to have some explanation from the Senator from Missouri as to the precise effect of his proposed amendment.

Mr. COCKRELL. Does the Senator ask what would be the effect of it?

Mr. SPOONER. What is the purpose of it?

Mr. COCKRELL. The purpose of it is to remove any possible doubt in regard to the matter, to confine the promotions in that office to the men in the office, and when a vacancy occurs that has to be filled to fill it by an appointment from the line of the Army from those having the rank of captain.

Mr. SPOONER. The law as it stands now, as I understand it, is as follows:

Except as otherwise provided herein, the laws now in force shall continue to govern the appointment, promotion, and detail of all officers of the consolidated department hereby created.

Now, what change does this make in that law?

Mr. COCKRELL. I do not really think that it makes any actual change in the proper interpretation of the law, but there is some question in regard to it, and that it might be permanently settled that promotions were to be made from that par-

ticular line and appointments made from the line of the Army, we thought it necessary. One reason why the line of the Army was designated as the place from which the appointment should come is the fact that the Military Secretary has now charge of all records of the War Department, all the old records of the Volunteer Army, all the records of the regular service, and all the records of organizations under the control of the War Department. That Office has to pass upon many questions, and it was thought it would be better to confine the appointment to an officer who had risen to the rank of captain and knew about army affairs, about the muster rolls, the pay rolls, and the rules and regulations that govern the Army. That is the reason why it was confined to captains.

Mr. SPOONER. Is it not a fact that this will be operative only as to two officers?

Mr. COCKRELL. I do not know at all whom it will affect. I do not know that, for I do not know the personnel of the Office. All I know are the Chief, the Secretary, and the Assistant Secretary. Those are the only officers whom I know connected with it.

Mr. SPOONER. I do not see how it changes the existing law.

Mr. COCKRELL. But I think it is in the interest of good service there.

Mr. ALLISON. I should like to have read the amendment as it is proposed to be modified.

The PRESIDING OFFICER (Mr. KEAN in the chair). What is the request of the Senator from Iowa?

Mr. ALLISON. I wish to have the amendment of the Senator from Vermont, as modified or added to by the Senator from Missouri, read.

The PRESIDING OFFICER. The amendment and the amendment to the amendment will be read.

Mr. ALLISON. I want to hear the entire amendment read.

The SECRETARY. On page 10, line 5, strike out all after the word "Provided," down to and including the word "determine," in line 8, and insert:

That hereafter vacancies that shall occur in the office of Assistant Chief of the Record and Pension Office shall be filled by appointments from captains of the line of the Army, and the officers now designated by the title of Assistant Chief of the Record and Pension Office and by the title of Assistant Adjutant-General shall hereafter be designated by the title of Military Secretary, and officers holding permanent appointments in the grades of major and lieutenant-colonel in the Military Secretary's Department shall be entitled to promotion in the order of their standing in their respective grades to any vacancies that may occur in the grades next above them in said Department.

Mr. ALLISON. That seems to be on its face a very material modification. Is not the assistant chief of the Record and Pension Office a distinct office from the office of Military Secretary? Is not that a place subordinate to the office of Military Secretary?

Mr. PROCTOR. It is. There are a lieutenant-colonel and a major as assistant chiefs of the Record and Pension Bureau, as it was called, now the Military Secretary's Office. The amendment proposed by the Senator from Missouri only affects those two officers. There is a vacancy in one of the offices now.

Mr. ALLISON. I wish to ask the Senator from Vermont what is the effect of his amendment to the amendment of the committee?—because that is quite a lengthy addition.

Mr. PROCTOR. My amendment of three or four lines, following the word "Army," in line 11, merely changes the nomenclature of those officers, and instead of having officers of three different names under the Military Secretary it gives them all one name, that of Military Secretary. As it is now, there are the Assistant Military Secretary, Military Secretary, and also Chief of the Record and Pension Division. There are three names of officers who are serving under one head.

Mr. ALLISON. Then the effect of this amendment, I understand, is to abolish the office of Assistant Adjutant-General?

Mr. PROCTOR. It is. The office is practically abolished by consolidation, being placed under the Military Secretary, but the name has been retained without any reason. It has been the cause of a good deal of confusion. It has led to some confusion in considering the appropriation bills. In a few years, when the assistant adjutants-general retire, that part will expire, and it seems to me desirable to settle it all at once. It is nothing that I care anything about, except to prevent confusion.

Mr. ALLISON. I understand that. Now, I will state what occurs to me and the reason why I ask the question. We have Assistant Adjutants-General in this office. That is the designation by which they are known with the rest of the Army. You provided in lieu of these for assistant military secretaries. Do you say that the same persons who now hold the office of assistant adjutants-general shall become the assistant military secretaries?

Mr. BEVERIDGE. Is it merely a change of name?

Mr. ALLISON. Is it merely a change of name?

Mr. PROCTOR. They are assistants already. It is merely a change of name.

Mr. BEVERIDGE. It is then merely legalizing something that has been done without a basic law.

Mr. ALLISON. Very well; if the Senator is satisfied with it, I do not know that I have any reason to criticize it. I should be a little afraid, if I were one of the assistant adjutants-general, that I might be jumped by the proposed legislation.

Mr. HALE. I should have great fear that as a new office was created the name of some one else might be sent in for that office. The Senator will perceive that the House has adopted an entirely different programme, and that is to cut off all this and provide that when a vacancy occurs it shall not be filled, upon the theory that the service can manage to work along in times of comparative peace without new appointments. The Senate committee has adopted just the reverse of that, and perpetuates these offices. I ask the Senator from Vermont, who is full of information on this bill, why was that contrary policy adopted in this case?

Mr. PROCTOR. Mr. President, I think the purpose of another body in their provision was to cut off the appointment of a civilian to this important office, and they did not substitute anything in the place of it. I inquired into the matter very carefully of the Secretary of War and of the Military Secretary, and was informed that the officer was needed. The Senator can see from the list I read that that office, including this officer, is now running with two less officers than the Adjutant-General had before the consolidation.

Mr. HALE. Does the Senator think, then, that the object of the other House was to cut out civilian appointments, and in doing that they cut out everybody?

Mr. PROCTOR. They have cut out only one officer.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment of the Senator from Missouri [Mr. COCKRELL] to the amendment of the committee as modified.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment as amended.

The amendment as amended was agreed to.

Mr. LODGE. Mr. President, I think the hour has passed at which we were to vote on the amendment I proposed on yesterday, but I should like to ask unanimous consent that the telegram which I send to the desk may be read, and then I shall move an amendment to the amendment proposed by the Senator from Vermont [Mr. PROCTOR].

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

COLUMBUS, OHIO, January 26, 1905.  
HON. HENRY CABOT LODGE,  
Washington, D. C.:

Ohio deeply interested in army appropriation bill. If it is desired to humiliate General Miles, in which we have no sympathy here, it should not include splendid army officers on retired list who are rendering splendid services to National Guard in different States. We are specially favored in Ohio and deeply interested.

MYRON T. HERRICK.

Mr. LODGE. Mr. President, I suppose that under the agreement there can be no debate. I move to amend the amendment proposed by the Senator from Vermont [Mr. PROCTOR] by striking out the word "hereafter" in line 1 of the amendment.

Mr. COCKRELL. On what page of the bill?

Mr. LODGE. It is not in the bill. I refer to the printed amendment offered by the Senator from Vermont, which comes in on page 13 of the bill, it being offered as a substitute for the proviso there found. I propose to amend the amendment in line 1, after the word "That," by striking out the word "hereafter;" and in line 2, after the word "when," to insert "hereafter."

If the amendment should be agreed to by the Senate, that will prevent the provision being retroactive, which is the most unjust part of it. I am against the whole proposition of the other House, and I shall move to strike it out at the proper time, but I think if we are to agree to legislation like this we certainly ought not to make it retroactive.

Mr. PATTERSON. Where does the Senator from Massachusetts propose to insert the word "hereafter?"

Mr. LODGE. After the word "when;" so as to read "when hereafter assigned," or "when assigned hereafter," if the Senator prefers that.

Mr. CARMACK. In the first line?

Mr. LODGE. No; I propose to strike out the word "here-



after" in the first line, and to insert it in the second line, after the word "when;" so as to read:

That retired officers of the Army above the grade of major shall, when hereafter assigned to active duty, etc.

So that the provision will only apply to the future.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. LODGE] to the amendment of the Senator from Vermont [Mr. PROCTOR].

Mr. PROCTOR. Mr. President, I do not propose to discuss the matter, but the Senator from Massachusetts [Mr. LODGE] read a telegram, and I wish to read an answer to a telegram which I sent to the Military Secretary, asking for the number of retired officers by grades who have applications now pending for assignment to active duty under this provision. The number of general officers already assigned is 10—1 lieutenant-general and 9 brigadiers; the number who have applications pending—major-generals, 2; brigadier-generals, 27; colonels, 6; lieutenant-colonels, 17; captains, 26; first lieutenants, 4, and second lieutenants, 1.

Mr. BACON. I should like to ask the Senator in what way the number of applicants for these details affects to any disadvantage the Government? They are retired officers, as I understand; they are not in active service; in what way, then, does the number, whether it be great or small, affect the Government injuriously?

Mr. BERRY. They get the active pay when so assigned.

Mr. PROCTOR. It increases the cost to the Government.

Mr. BACON. The Senator means that it increases their pay?

Mr. PROCTOR. It increases their pay.

Mr. BACON. They get full pay when detailed?

Mr. PROCTOR. The details already made increase the expenditure about \$50,000 a year.

Mr. BACON. That is the point on which I wanted information.

Mr. LODGE. Under my amendment this would all be excluded. That amendment simply prevents the provision being retroactive and covering those who have already taken detailed service under existing law.

The PRESIDENT pro tempore. The original amendment submitted by the Senator from Vermont will be stated.

The SECRETARY. On page 13, line 7, under the heading "Retired Officers," it is proposed to strike out the following proviso:

*Provided*, That hereafter no retired officer of the Army above the grade of major shall, when assigned to active duty, receive from the United States any pay or allowances additional to his pay as a retired officer so as to make his total pay and allowances exceed the pay and allowances of a major on the active list.

And in lieu thereof to insert:

*Provided*, That hereafter retired officers of the Army above the grade of major shall, when assigned to active duty in connection with the organized militia in the several States and Territories upon the request of the governor thereof, receive their full retired pay, and also commutation of quarters unless Government quarters are available, and shall receive no further pay or allowances: *Provided further*, That a lieutenant-colonel so assigned shall receive the full pay and allowances of a major on the active list.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] proposes an amendment to the amendment which has just been read, which will be stated.

The SECRETARY. In line 1 of the amendment, after the word "That," it is proposed to strike out the word "hereafter;" and in line 2, after the word "when," to insert "hereafter;" so as to read.

That retired officers of the Army above the grade of major shall, when hereafter assigned to active duty, etc.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Massachusetts [Mr. LODGE] to the amendment of the Senator from Vermont [Mr. PROCTOR].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. Does that complete the committee amendments?

Mr. LODGE. No, Mr. President. I reserved the right to move to strike out the proviso. I am against the whole legislation. I think the motion to strike out and not insert is the last motion in order. We have now perfected the clause, and I think I certainly have the right to move to strike it out.

The PRESIDENT pro tempore. The Chair thinks not while the Senate is acting as in Committee of the Whole.

Mr. LODGE. Then I reserve the right to make the motion in the Senate.

The PRESIDENT pro tempore. In the Senate the Chair thinks it would be in order. At any rate it would be in order to demand a separate vote on the amendment.

Mr. COCKRELL. Mr. President—

Mr. LODGE. When I first rose as to this provision I said I did so desiring at the proper time to make a motion to strike

out. Now, when will I have the right to make the motion to strike out?

The PRESIDENT pro tempore. After the bill has been reported to the Senate.

Mr. LODGE. Am I excluded from making a motion to strike out while the Senate is acting as in Committee of the Whole?

The PRESIDENT pro tempore. The amendment to which the Senator's amendment was offered having been agreed to as in Committee of the Whole, the Chair is of the opinion that in Committee of the Whole his amendment would not be in order.

Mr. LODGE. Then I understand the Chair to say that if the amendment is agreed to as in Committee of the Whole the motion to strike out in committee can not be made?

The PRESIDENT pro tempore. It can not be made in Committee of the Whole.

Mr. COCKRELL. Mr. President, in view of the fact alleged in the telegram of the governor of Ohio, which has just been read, that this provision was intended to humiliate General Miles, I want to say very emphatically that I do not believe a solitary member of the Committee on Military Affairs ever dreamed of making any effort to humiliate General Miles, and I do not believe when this amendment was proposed that there was any purpose or desire to humiliate General Miles.

Mr. CULLOM. Or anybody else.

Mr. COCKRELL. Or anyone else, so far as that is concerned. I should not myself become the willing instrument to cast a reflection upon any soldier with the record of General Miles, or upon any of the others affected by the provision. There was no such purpose or intention.

One of the reasons why the provision was inserted can readily be seen from the fact that nine brigadier-generals have already been detailed—have they not, I ask the Senator from Vermont?

Mr. PROCTOR. Yes.

Mr. COCKRELL. And twenty-two more—

Mr. PROCTOR. Twenty-seven more.

Mr. COCKRELL. And twenty-seven more are seeking detail. By such details those officers will get the full pay of brigadier-generals.

The Senate may remember in connection with that that a large number of these general officers were men who would have been retired with the rank of colonel, and some of them probably with the rank of lieutenant-colonel, but because of the friendly disposition of Congress the President was authorized to promote them to the rank of brigadier-general and retire them. When they were retired they went up one grade, and that gave them almost the full pay of their actual rank by getting three-fourths of the pay of the higher grade. The lieutenant-general draws a fixed salary.

Mr. BERRY. I should like to ask the Senator from Missouri, if he will permit me, what is the salary of a lieutenant-general on the retired list?

Mr. COCKRELL. Eight thousand two hundred and fifty dollars.

Mr. PROCTOR. Including commutation of quarters, which amounts to \$1,200, the amount received would be nearly \$10,000.

Mr. LODGE. The pay of the Lieutenant-General is \$13,000.

Mr. BERRY. Does the Senator from Massachusetts say that the Lieutenant-General gets \$13,000 a year while on the retired list?

Mr. LODGE. Oh, no; I mean when on active duty.

Mr. BERRY. Does that include commutation of quarters, longevity, etc.?

Mr. LODGE. I suppose it does.

Mr. COCKRELL. After the Senator from Arkansas [Mr. BERRY] had asked me the question, in order that I might ascertain exactly what these officers were receiving, I telegraphed to the Paymaster-General and have just received this reply:

WAR DEPARTMENT, January 26, 1905.

Hon. F. M. COCKRELL:

Lieutenant-General Miles receives as a retired officer \$8,250. Lieutenant-generals, major-generals, and brigadier-generals receive no longevity increase on active or retired list.

In other words, a lieutenant-general, a major-general, or a brigadier-general receives no longevity pay.

Mr. HALE. After they are retired?

Mr. COCKRELL. It makes no difference whether they are retired or not. I am reading exactly what the Paymaster-General says:

Lieutenant-generals, major-generals, and brigadier-generals receive no longevity increase on the active or retired list. They get a flat salary. A colonel and all officers below that grade get, while on the retired list, longevity increase which had accrued at the date of retirement, not to exceed 40 per cent in all. No increase after that date except for officers retired because of wounds received in battle; and this can not exceed 40 per cent.

F. S. DODGE, Paymaster-General.

Mr. BERRY. Now, one other question, if the Senator from Missouri will permit me?

Mr. COCKRELL. Certainly.

Mr. BERRY. If the motion which the Senator from Massachusetts [Mr. LODGE] intends to make in the Senate to strike out this provision should carry, and that should be agreed to by the other House, then the salary of General Miles, while on duty as an officer in charge of militia, would be increased one-fourth, or two thousand and odd dollars?

Mr. COCKRELL. His salary would then be \$11,000. All the brigadier-generals who are detailed and who will be detailed and the major-generals would get \$7,500 instead of \$5,625, and the brigadier-generals would get \$5,500 instead of \$4,125.

Mr. TELLER. Mr. President—

The PRESIDENT pro tempore. Will the Senator from Colorado, before he takes the floor, allow the Chair a moment?

Mr. TELLER. Certainly.

The PRESIDENT pro tempore. The Chair understood the Senator from Massachusetts [Mr. LODGE] to wish to move to strike out the entire proviso on page 13?

Mr. LODGE. That was my original motion.

The PRESIDENT pro tempore. That was the original motion. That would not be in order while the Senate is acting as in Committee of the Whole, but if the motion of the Senator was to strike out the whole paragraph, including the proviso, it would be in order now as in Committee of the Whole.

Mr. LODGE. Of course, Mr. President, I have no desire to strike out the whole paragraph, which is a provision for the pay of retired officers.

The PRESIDENT pro tempore. That is what the Chair understood.

Mr. LODGE. I was only aiming at the proviso.

The PRESIDENT pro tempore. The Chair so understood.

Mr. LODGE. I asked for the ruling of the Chair with the idea of making the motion to strike out, but the Senate having without division amended the amendment so as to prevent its being retroactive, I shall not now press the motion any further. I shall not move to strike out and I shall not reserve the point.

The PRESIDENT pro tempore. The Chair merely wished to understand, and finds that he did understand correctly the Senator's intention.

Mr. LODGE. The Chair understood me correctly.

Mr. TELLER. Mr. President, for a number of years it has been the policy of this Government to encourage the National Guard, or, in the common parlance of the country, the "militia." In order to do so and to give them proper instruction it has been the policy to assign for that purpose to the militia of the different States officers of the Army. It has also been the policy, in order to encourage this same military spirit among the young men of the country, to send, on application, to the colleges of the country military officers to give instruction.

There are forty-five States that are presumed to have militia or National Guard organizations. There are innumerable colleges all over the country that desire the privilege, and have had it whenever they could get it—a thing they are not always able to do—of having an army officer assigned for the purpose of training their young men.

For myself, Mr. President, I believe that has been a very wise policy. I have believed that you can not do very much toward increasing the efficiency of the militia of the country unless you have trained men to instruct it. I speak with some slight knowledge, having myself, as a young man, been a member of the military organization of the State in which I lived, and I know something about the rude way in which we were trained, although we were in what was called the "higher order" of the militia.

We ought to encourage the militia. We make an appropriation for the militia in this bill, I think, and have done so in every army appropriation bill. If there is not such an appropriation in the pending bill, it is the first time there has been such an omission. I will inquire if there is not in the pending bill an appropriation for the National Guard?

Mr. COCKRELL. That is a regular permanent appropriation by law. It is not put in the army appropriation bill.

Mr. TELLER. An appropriation is made every year?

Mr. COCKRELL. There is a certain amount that is distributed to each of the States every year.

Mr. TELLER. I know I have seen it in every appropriation bill at which I have looked.

Mr. PROCTOR. It is a permanent provision of law.

Mr. TELLER. Yes; a permanent appropriation.

Certainly it can not be the policy of this Government to take from the active list of the Army trained men who are to act as instructors. You can not afford to take for this work the cap-

tains, the colonels, and the other officers who are needed with their regiments; but you can afford to take the men who have reached an age at which they are perhaps not capable of performing the active duties of warfare, but are better fitted perhaps to act as instructors than they would have been twenty-five years previously. So we must look to the retired list both for military instruction for the State troops and for the military training of the young men in the colleges.

There will not be too great a number of officers ready to do that service. The law wisely provides that a retired officer shall not be so assigned without his consent. That is as it should be. An officer who has retired is himself the best judge of what he can do; and if he feels that his mental or his physical condition will not permit of his accepting active duty he ought to be allowed, and is allowed, to determine the matter.

Mr. President, instead of discouraging the assignment of retired Army officers for the training of the militia, which it seems to be the opinion of the chairman of the committee and some other members of the Senate we ought to do, instead of its being an affront or an injury to the public service that a large number of these officers are accepting these assignments, we ought to be satisfied and delighted. If there are twenty-seven retired officers who have applied to the Department to be allowed to accept this service, there are twenty-seven men that have been invited by some public authority to take the position. I regret to see anything being done that will have a tendency to discourage officers on the retired list from participating in the work of training the State troops and acting as instructors in colleges, because I think it is very important that the American youth should have such training.

Mr. SPOONER. Will the Senator allow me to interrupt him?

Mr. TELLER. Certainly.

Mr. SPOONER. Does not the Senator think also that it is an unjust imputation upon the officers who apply for such service that they are simply after additional pay, leaving out of consideration the desire of men who all their lives have been engaged in the duties of a soldier to continue as long as they are fit in the employment which has been their life work?

Mr. TELLER. Mr. President, I know a number of army officers who, by the strict law, passed some years ago, have been compelled to go upon the retired list. I know a number of such officers who would be as capable of discharging the duties incumbent upon them as army officers as they would have been twenty years ago; and I know, from contact with them, that there is a feeling amongst them that, if they could, they would like to continue in their profession. They would like to be doing something; and when the opportunity is presented to them to become the instructors of American youth they accept with pleasure, not, in my judgment, for the additional pay, but because of the service that they can still render their country in the line of their profession.

When interrupted by the Senator from Wisconsin [Mr. SPOONER]—and he never interrupts anyone except properly, to give a suggestion or to make one himself, and I think his last suggestion a very good one—I was about to say that I am one of those who believe in the National Guard when it is properly instructed, and I am one of those who do not believe that a national guard, without proper military instruction, is worth very much. I now know that my own military training was not worth anything, although at the time I thought it was. For that reason in every State where there is a national guard I want to see an army officer detailed to duty in connection with it, and in every college where they pretend to teach military tactics I should like to see a man holding a commission in the United States Army, either on the active or on the retired list.

Mr. President, as some of my associates know, I do not believe in a great army. I have myself believed in the education of trained officers. Every time I have had an opportunity to do so I have voted for increasing the number of cadets at our Military Academy and at our Naval Academy, and if I had my way I would still further increase the number of cadets both in the Military Academy and in the Naval Academy.

I believe in training the National Guard, so that if the time comes, if it ever does, as it may and has in the past, when in an emergency we want to raise a great army, we shall have, in the first place, trained men to command it, and, in the second place, we shall have among the people the military spirit which a properly instructed National Guard always engenders.

Nine officers have already been assigned to this service, and twenty-seven more are to have such employment. Mr. President, I wish every man on the retired list would have such employment if his physical and mental condition would allow him to properly perform its duties.

Here is this great army bill, carrying \$70,000,000, besides other



items of appropriation that may be added to it, and yet Senators object to the cost of adding 25 per cent to the salaries of officers on the retired list who are to engage in this work for the country. Mr. President, it looks to me as if it were exceedingly small business. I regret to hear anybody suggest that the only reason that these men, many of whom have covered themselves with distinction in one of the greatest wars of the past century, if not in the history of the world, accept these assignments for the simple purpose of adding a few dollars to their earnings. They accept this employment because they wish to assist in doing that which they have been doing for many years—serving their country—and they will never serve it better than in teaching the young men of the United States not only how to train, as we used to say when I was a boy, but how to fight, how to act, and how to conduct themselves as American soldiers ought.

Mr. PROCTOR. I offer an amendment in regard to a cable in Alaska. It is accompanied by a letter from the Secretary of War strongly recommending it. I ask that the letter may be printed in the RECORD, but I will not ask to have it read unless some Senator wishes to hear it.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Vermont, and the letter will be printed in the RECORD.

The letter referred to is as follows:

WAR DEPARTMENT,  
Washington, January 26, 1905.

My DEAR SENATOR: I have received a call from gentlemen of Chicago who are interested in the construction of a railway from Seward to the Tanana River, in Alaska, to be called the Alaska Central Railway—a railway about 463 miles in length. Of this 20 miles of railroad have been constructed and 100 miles are under contract for construction during the coming year. The cable which has been recently completed by the Signal Corps of the Army reaches Valdez, and thence by a land line into the interior strikes the Tanana River, and thence to the Yukon, and thence down the Yukon to St. Michael, and by wireless telegraphy to Cape Nome. Seward, the terminus of this railway, on the Gulf of Alaska, is said to have a very fine harbor. It is off the cable line, but can be reached by a branch cable from Valdez 155 miles in length. When the Alaska Central Railway is completed and the telegraph line necessary to its operation is constructed, as it will be when the railroad is completed, the operation by the Government of its land line, at least as far as the Tanana River, which is quite expensive and rather burdensome, may be given up. The railway is being constructed without Government aid or guaranty.

It seems wise, in the development of so great a Territory as Alaska, incidentally and directly for the Government to aid so important a work. I therefore recommend that there be included in the military appropriation bill an amendment, as follows:

On page 5, after line 13, insert: "For continuing the cable from Valdez, Prince William Sound, to Seward, at the head of Resurrection Bay, Alaska, \$95,000, or so much thereof as may be necessary, this money to be immediately available."

Seward is now a town of more than 300 inhabitants, and with the construction of the railroad promises to be an important place in Alaska.

I may add that General Greeley, who has constructed the cable and telegraph line into Alaska, and who is very familiar with this Territory, concurs in my recommendation of this appropriation.

Very respectfully,

WM. H. TAFT, Secretary of War.

HON. REDFIELD PROCTOR,  
Acting Chairman Committee on Military Affairs,  
United States Senate.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Vermont will be stated.

The SECRETARY. On page 5, after line 13, it is proposed to insert:

For continuing the cable from Valdez, Prince William Sound, to Seward, at the head of Resurrection Bay, Alaska, \$95,000, or so much thereof as may be necessary, this money to be immediately available.

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further committee amendments?

Mr. PROCTOR. That finishes the committee amendments.

Mr. CARMACK. I offer the amendment I send to the desk.

The SECRETARY. On page 16, line 10, after the word "dollars," it is proposed to insert:

Provided, That citizens of Porto Rico shall have the right of enlistment in the Regular Army of the United States, and the Secretary of War is hereby directed to organize a regiment, to be composed of citizens of Porto Rico, for service in said island, such regiment to be a part of the Regular Army of the United States. The colonel and lieutenant-colonel of said regiment may be chosen from the officers now in the Regular Army of the United States, but all other officers shall be citizens of Porto Rico. When the organization of such regiment has been completed the Porto Rico Provisional Regiment of Infantry shall be disbanded and discontinued.

Mr. PROCTOR. I shall have to raise the point of order against the amendment, although I am in entire sympathy with its general purpose. It is a matter that will have to be considered, and I hope in the next Congress some action that will be permanent may be taken in the general line of the amendment. But it is too late to consider it intelligently now. It is a good deal of a question.

Mr. CARMACK. What is the point of order?

The PRESIDENT pro tempore. The Senator from Vermont will state his point of order.

Mr. PROCTOR. That it is new legislation and proposes an increase in the Army.

The PRESIDENT pro tempore. The Chair is of opinion it is not in order.

Mr. CARMACK. Does the Chair rule that it is not in order?

The PRESIDENT pro tempore. The Chair holds that it is not in order.

Mr. TELLER. Mr. President, at the last session of Congress a provision became a law allowing the President to advance a certain class of officers one grade. A large number were advanced under it. There was a claim made, that I think was not well founded, but it had the support of the proper authorities, and they shut out some officers of merit who were practically in the same position as those who had the benefit of the bill. A large number of those officers have felt that they were improperly treated, and have asked me to present the matter in form, so that they may receive the benefit of the act of which their fellow-officers received the benefit.

I desire to offer the amendment which I send to the desk. If it does not suit the views of the chairman of the committee with respect to its form, I should like to modify it so that it will. I ask that the amendment may be stated.

The SECRETARY. On page 13, after the amendment offered by the Senator from Vermont, it is proposed to insert the following:

That so much of the act approved April 23, 1904, concerning increase of one grade to officers of the Army who served with credit during the civil war, entitled "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes," be, and the same is hereby, amended so as to authorize the President to include in the provisions of said act officers below the grade of brigadier-general who have heretofore been retired under section 1243, Revised Statutes, and have not since been promoted, and also to include officers below the grade of brigadier-general with civil war records who were retired under the provision of the act of October 1, 1890, by reason of disability contracted in the line of duty, and also to include officers who may have been retired on a less grade than that to which they were actually entitled at date of retirement.

Mr. PROCTOR. Mr. President, I sympathize with the amendment, but I hope the Senator from Colorado will not press it to a vote. He knows very well that I have worked in harmony with him to get the most liberal law passed for the benefit of these retired officers.

The act we got at the last session involved a great deal of labor in construction. For that reason the nominations did not come to us until the present session. The officers were seven months behind, the Comptroller ruling that they could not be paid until they had been confirmed.

The Committee on Military Affairs, immediately after the session began, hurried the Department to send in the list, and used all possible haste to get them confirmed.

I think there are imperfections in the law. I think there are certain classes of officers, not great in number, who ought to be included. I earnestly worked when that bill was before Congress to insert in it the most liberal terms, but it did not include all that I think ought to be included, and I do not think the Senator's amendment does.

Early in the session I called on the Judge-Advocate-General for a construction of that act, and he has submitted a very extensive report, which I will admit I have not had time to read, as I saw it was impossible to act on it. I should think there are 20 or 30 pages, perhaps more. I am sure the committee at the next session will take up this matter and consider the views of the Judge-Advocate-General, and try, as far as in their power lies, to bring in a measure that will correct a few odd cases.

Mr. TELLER. By the legislation of the last session—

Mr. PROCTOR. I shall have to make the point of order. I dislike very much to do so, but I feel constrained to make it.

Mr. TELLER. Let me say a word.

Mr. PROCTOR. Certainly.

Mr. TELLER. By the legislation of the last session it became the policy of the Government when an officer retired to give him one grade higher than he had been enjoying. That had been done by the President, not only the present Executive, but by those preceding him, by promoting a man to a position to-day with the understanding that to-morrow he would resign. Under the operation of that system there were a great number of cases of hardship. There were men who, if they had not been favored by the Executive, would hardly have been selected by any committee authorized to make selection of meritorious persons for that advancement. It looked like too much favoritism, and I know one or two cases where men of high merit and service were left to go out upon a very low grade when men very much their inferiors were more than one grade above them when they went on the retired list.

That act cured a good many complaints, and I believe it took in practically all that this amendment would take in except

"about twenty. I think there are about twenty men who I believed at the time the amendment was drafted—and I impressed it here to the best of my ability—would be included in it. They are not included. If I had had the construction of the statute they would have been included in it. I am not going, of course, to quarrel with the construction of the officer who thinks it did not include them. But I wanted this measure to cover their cases. Having entered upon this policy, we certainly ought to carry it out in good faith, and every man who is entitled to it by virtue of his service ought to have it, if that is the policy.

I know the amendment is amenable to a point of order if the Senator in charge of the bill makes it. But upon the statement the Senator has made, that at the next session the committee will take up this matter and try to do justice, I am going to let the matter rest. I shall expect at the next session of Congress that the Senator from Vermont, who I suppose by that time will be chairman of the committee, will not fail to see that justice is done these soldiers, for I know he has the disposition to do justice to them, and he can do it so much better than anybody else that I hope he will take it up and prepare a bill, so that there shall be no further complaint.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HANSBROUGH. I desire to call the attention of the Senator in charge of the bill to the language in the provision at the bottom of page 26. It reads as follows:

That hereafter no military post within the United States shall be established.

I suppose any post that is within the United States now is already established. What is probably meant is that hereafter no military post shall be established in the United States.

Mr. LODGE. That is what it says.

Mr. PROCTOR. That is the way it reads.

Mr. HANSBROUGH. It would be better language to put it the other way.

Mr. LODGE. Yes.

Mr. HANSBROUGH. It is a House provision. I suggest that after the word "post," in line 23, the words "shall be established" be inserted, and the same words be stricken out in lines 23 and 24.

Mr. PROCTOR. There is no objection to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from North Dakota. The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 17984. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1906, and for other purposes; and

H. R. 18123. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

H. R. 2052. An act for the relief of Ramon O. Williams and Joseph A. Springer; and

H. R. 15477. An act to change the name of a portion of Thirteen-and-a-half street to Linworth place.

#### TRANSFER OF FOREST RESERVES.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 8400, "An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendments, with an amendment as follows:

In section 2 of said amendment strike out the following words at the end thereof: "as any other wood or wood pulp;" so as to read:

"Sec. 2. That pulp wood or wood pulp manufactured from timber in the district of Alaska may be exported therefrom."

In section 4 insert the words "municipal or" before the

words "mining purposes" in the fifth line; and in the eighth line strike out the words "Secretary of Agriculture" and insert in lieu thereof "Secretary of the Interior;" so as to read as follows:

"Sec. 4. That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals within and across the forest reserves of the United States are hereby granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said reserves are, respectively, situated."

To amend section 5 by striking out the word "as," after the word "States," in line 5, and insert therein "and for a period of five years from the passage of this act shall constitute;" so as to read:

"Sec. 5. That all money received from the sale of any products, or the use of any land or resources of said forest reserves, shall be covered into the Treasury of the United States, and for a period of five years from the passage of this act shall constitute a special fund available, until expended, as the Secretary of Agriculture may direct, for the protection, administration, improvement, and extension of Federal forest reserves."

GEO. C. PERKINS,

A. B. KITTREDGE,

PARIS GIBSON,

*Managers on the part of the Senate.*

JOHN F. LACEY,

F. W. MONDELL,

F. M. GRIFFITH,

*Managers on the part of the House.*

The report was agreed to.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15895) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 21, 22, 39, 40, 42, 61, 64, 74, 75, 91, 92, 95, 96, 103, 108, 109, 113, 117, 131, 138, 145, 146, 158, 164, 165, 170, 171, 173, 177, and 183.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36, 37, 38, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 63, 65, 66, 67, 68, 70, 71, 72, 73, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 87, 88, 89, 90, 93, 94, 100, 101, 102, 104, 105, 106, 110, 111, 112, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 130, 133, 134, 135, 136, 137, 140, 141, 142, 143, 144, 147, 148, 149, 150, 151, 152, 153, 155, 156, 157, 160, 161, 162, 163, 169, 172, 174, 175, 176, 178, 179, 180, 181, and 182, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$180,420;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$113,840;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$23,560;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$38,250;" and the Senate agree to the same.



That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "Chief clerk, at \$2,000; clerk and stenographer, at \$1,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out the matter inserted by said Senate amendment and insert in lieu thereof the following: "; one assistant in department of nautical instruments, \$1,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$41,040;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$89,660;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: Add after the word "dollars," in line 19, page 111 of the bill, the following: "; and all clerks and employees herein provided for the Pension Office who may be detailed and needed in other offices or bureaus of the Department of the Interior shall be estimated for in the Book of Estimates for 1907 in the office or bureau where actually employed;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$851,950;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$53,140;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: Strike out, in lines 5 and 6 of said amendment, the words "stamped envelopes and newspaper wrappers;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$211,640;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$157,960;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the words "at home and;" and in line 4 strike out the words "domestic and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$125,000;" and the Senate agree to the same.

S. M. CULLOM,

F. E. WARREN,

F. M. COCKRELL,

*Managers on the part of the Senate.*

LUCIUS N. LITTAUER,

LEONIDAS F. LIVINGSTON,

*Managers on the part of the House.*

The report was agreed to.

Mr. CULLOM. I ask permission to insert in the RECORD a brief report of the results of the conference.

The PRESIDENT pro tempore. The statement will be printed in the RECORD.

The statement referred to is as follows:

LEGISLATIVE BILL, 1906.

Amount as passed House	\$28,758,189.84
Increase by Senate	434,872.22
Amount as passed Senate	29,193,062.06
Net reduction made in conference	59,220.00
Amount of bill as agreed to in conference	29,133,842.06

HOUSE BILLS REFERRED.

H. R. 17384. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1906,

and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

H. R. 18123. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

COMMISSION ON INTERNATIONAL EXCHANGE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Finance, and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith the final report of the Commission on International Exchange, constituted under the authority of the act of March 3, 1903, in compliance with the requests of the Governments of China and Mexico.

The work of the Commission has assisted greatly in the establishment of the new monetary system of the Philippine Islands, Mexico, and the Republic of Panama. The work done in China has, from the letter of the Prince of Ching, the head of the executive, been very helpful to that Government. Such improvements in the monetary systems of the silver-using countries bring them into closer connection with the gold-standard countries and are of very great benefit to the trade of the United States, and every effort should be made to encourage such reforms.

The attention of Congress is invited to the accompanying report of the Acting Secretary of State, whose request for a suitable appropriation for carrying on this valuable work in the manner which seems to him most practicable I heartily indorse and recommend to your favorable consideration.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 26, 1905.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE obtained the floor.

Mr. KITTREDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. BEVERIDGE. Certainly.

REGISTRATION OF TRADE-MARKS.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 16500) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, and that the unfinished business be temporarily laid aside for that purpose.

Mr. BEVERIDGE. That, I will say, is entirely agreeable to those who are in charge of the unfinished business. The understanding is that the bill called up will provoke no discussion. It ought not, certainly. It is very meritorious.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent for the consideration of a bill, which will be read to the Senate for its information.

The Secretary proceeded to read the bill.

Mr. TELLER. I should like to know what this bill is. I can not hear.

Mr. BEVERIDGE. A trade-mark bill.

Mr. TELLER. I should like to know what committee it comes from. I should like to know something about the bill. As I can not hear the bill as it is being read, I should like to know who stands back of it, at least.

Mr. KITTREDGE. It comes from the Committee on Patents.

Mr. TELLER. I think we are entitled to hear what it is.

The Secretary resumed and concluded the reading of the bill.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Is there objection to the present consideration of the bill?

Mr. CLAY. Does the Senator from South Dakota desire to place the bill on its passage this evening? The bill embraces twenty-odd pages and thirty sections. It was called up by unanimous consent, and Senators have not had time to examine it. I have been trying to run through it. I have had a dozen letters in regard to this measure. It may have merit; probably it has. I do not know that I have any objection to it.

Mr. MARTIN. The letters were in favor of it?

Mr. CLAY. No; some were not in favor of it. It does strike me that the Senator ought to be willing to let the bill go over for a day or two that we may have time to look into it.

Mr. KITTREDGE. I am entirely willing that the bill shall go over until such time as suits the Senator's convenience, with this proviso: I should like to have the committee amendments acted upon.

Mr. CLAY. I have no objection in the world to that course, but I have not had time to read the bill.

Mr. KITTREDGE. After the amendments have been acted upon I shall have no objection to its going over.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Patents with amendments.

The first amendment was, in section 2, page 3, line 3, after the word "and," to strike out "facsimile" and insert "drawing;" so as to read:

That such trade-mark is used in commerce among the several States, or with foreign nations, or with Indian tribes, and that the description and drawing presented truly represent the trade-mark sought to be registered.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 12, after the word "any," to strike out the word "trade-mark" and insert "mark;" in line 13, after the word "the," to strike out "trade-mark" and insert "mark;" and in line 16, after the word "actual," to strike out "and lawful;" so as to read:

And provided further, That nothing herein shall prevent the registration of any mark used by the applicant or his predecessors, or by those from whom title to the mark is derived, in commerce with foreign nations or among the several States, or with Indian tribes, which was in actual use as a trade-mark of the applicant or his predecessors from whom he derived title for ten years prior to the passage of this act.

The amendment was agreed to.

The next amendment was, in section 14, page 12, line 13, before the word "dollars," to strike out "five" and insert "ten;" so as to make the paragraph read:

On filing each application for renewal of the registration of a trade-mark, \$10.

The amendment was agreed to.

The next amendment was, in section 30, page 20, line 18, after the word "effect," to strike out "upon its passage" and insert "April 1, 1905;" so as to make the section read:

SEC. 30. That this act shall be in force and take effect April 1, 1905. All acts and parts of acts inconsistent with this act are hereby repealed except so far as the same may apply to certificates of registration issued under the act of Congress approved March 3, 1881, entitled "An act to authorize the registration of trade-marks and protect the same," or under the act approved August 5, 1882, entitled "An act relating to the registration of trade-marks."

The amendment was agreed to.

The PRESIDING OFFICER. The amendments proposed by the committee have been agreed to, and without prejudice the bill will go over by request of the Senator from South Dakota [Mr. KITTREDGE].

#### EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 46 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 27, 1905, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate January 26, 1905.*

##### POSTMASTERS.

##### CONNECTICUT.

Frederick A. Smith to be postmaster at Colchester, in the county of New London and State of Connecticut, in place of Frederick A. Smith. Incumbent's commission expired February 2, 1904.

##### FLORIDA.

W. C. Eddy to be postmaster at De Funiak Springs, in the county of Walton and State of Florida, in place of John Astleford. Incumbent's commission expires February 11, 1905.

Alexander Zipperer to be postmaster at Madison, in the county of Madison and State of Florida, in place of Alexander Zipperer. Incumbent's commission expired January 17, 1904.

##### GEORGIA.

Thomas Quinney to be postmaster at Waynesboro, in the county of Burke and State of Georgia, in place of Thomas Quinney. Incumbent's commission expires February 22, 1905.

##### ILLINOIS.

George W. Hesser to be postmaster at Illiopolis, in the county of Sangamon and State of Illinois. Office became Presidential July 1, 1904.

##### IOWA.

William D. Jacobsen to be postmaster at Lyons, in the county of Clinton and State of Iowa, in place of William D. Jacobsen. Incumbent's commission expired December 13, 1903.

James F. Jordan to be postmaster at Valley Junction, in the

county of Polk and State of Iowa, in place of James F. Jordan. Incumbent's commission expires February 4, 1905.

Philip M. Mosher to be postmaster at Riceville, in the county of Mitchell and State of Iowa, in place of Philip M. Mosher. Incumbent's commission expires February 4, 1905.

Oswell Z. Wellman to be postmaster at Arlington, in the county of Fayette and State of Iowa, in place of Oswell Z. Wellman. Incumbent's commission expires February 4, 1905.

##### LOUISIANA.

Jacob Plonsky to be postmaster at Washington, in the parish of St. Landry and State of Louisiana. Office became Presidential January 1, 1905.

##### MAINE.

Charles E. Atwood to be postmaster at Biddeford, in the county of York and State of Maine, in place of Elisha E. Clark, deceased.

##### MINNESOTA.

James A. Martin to be postmaster at St. Cloud, in the county of Stearns and State of Minnesota, in place of Harvey G. Wire, removed.

##### MISSISSIPPI.

Felicie L. Delmas to be postmaster at Scranton, in the county of Jackson and State of Mississippi, in place of Felicie L. Delmas. Incumbent's commission expired January 16, 1905.

Andrew J. Hyde to be postmaster at Meridian, in the county of Lauderdale and State of Mississippi, in place of Andrew J. Hyde. Incumbent's commission expired December 13, 1903.

##### MONTANA.

Albert Pfau to be postmaster at Lewistown, in the county of Fergus and State of Montana, in place of Alfred J. Stephens, removed.

##### NEW YORK.

Arthur B. Burrows to be postmaster at Andover, in the county of Allegany and State of New York, in place of William B. Bundy. Incumbent's commission expired January 16, 1905.

Ebenezer Evans to be postmaster at Waterville, in the county of Oneida and State of New York, in place of Ebenezer Evans. Incumbent's commission expired March 20, 1904.

David L. Jamieson to be postmaster at New York Mills, in the county of Oneida and State of New York, in place of David L. Jamieson. Incumbent's commission expires January 31, 1905.

Marion O. Martin to be postmaster at Honeoye Falls, in the county of Monroe and State of New York, in place of Marion O. Martin. Incumbent's commission expires February 4, 1905.

P. S. Spaulding to be postmaster at Whitesboro, in the county of Oneida and State of New York, in place of Charles E. Smith. Incumbent's commission expired May 28, 1904.

Joseph F. Stephens to be postmaster at Highland Falls, in the county of Orange and State of New York, in place of Joseph F. Stephens. Incumbent's commission expires February 4, 1905.

##### NORTH CAROLINA.

Bernard W. Leavitt to be postmaster at Southern Pines, in the county of Moore and State of North Carolina, in place of Asaph M. Clarke. Incumbent's commission expires February 7, 1905.

Charles A. Reynolds to be postmaster at Winston-Salem, in the county of Forsyth and State of North Carolina, in place of Charles A. Reynolds. Incumbent's commission expires February 7, 1905.

##### NORTH DAKOTA.

Willis H. Rogers to be postmaster at Hunter, in the county of Cass and State of North Dakota. Office became Presidential January 1, 1905.

##### OREGON.

Homer C. Atwell to be postmaster at Forest Grove, in the county of Washington and State of Oregon, in place of Homer C. Atwell. Incumbent's commission expired December 20, 1904.

Charles J. Howard to be postmaster at Cottage Grove, in the county of Lane and State of Oregon, in place of Charles J. Howard. Incumbent's commission expires February 4, 1905.

##### PENNSYLVANIA.

Samuel P. Arnold to be postmaster at Curwensville, in the county of Clearfield and State of Pennsylvania, in place of Reginald H. Brainard. Incumbent's commission expires February 8, 1905.

Zacharias A. Bowman to be postmaster at Annville, in the county of Lebanon and State of Pennsylvania, in place of Zacharias A. Bowman. Incumbent's commission expires February 8, 1905.

E. M. Frye to be postmaster at Monessen, in the county of Westmoreland and State of Pennsylvania, in place of Charles M. Derickson. Incumbent's commission expires January 31, 1905.

Henry G. Moyer to be postmaster at Perkaskie, in the county



of Bucks and State of Pennsylvania, in place of Joseph G. Moyer. Incumbent's commission expires February 8, 1905.

W. L. Stevenson to be postmaster at West Newton, in the county of Westmoreland and State of Pennsylvania, in place of James Q. Waters, resigned.

#### WEST VIRGINIA.

T. J. Honaker to be postmaster at Beckley, in the county of Raleigh and State of West Virginia. Office became Presidential January 1, 1904.

#### WISCONSIN.

James Carr to be postmaster at Bangor, in the county of La Crosse and State of Wisconsin. Office became Presidential January 1, 1905.

#### WITHDRAWAL.

*Executive nomination withdrawn January 26, 1905.*

Oscar Bowen to be postmaster at Bangor, in the State of Wisconsin.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 26, 1905.*

##### REGISTER OF THE LAND OFFICE.

Albert H. Blair, of Wakeeney, Kans., now register of the land office at that place, to be register of the land office at Colby, Kans., to take effect February 15, 1905.

##### APPOINTMENT IN THE NAVY.

Joseph M. F. McGinty, a citizen of New York, to be a chaplain in the Navy from the 16th day of January, 1905.

##### PROMOTIONS IN THE NAVY.

Lieut. Commander James H. Sears to be a commander in the Navy from the 12th day of January, 1905.

Lieuts. (Junior Grade) Frederick J. Horne, jr., James R. Combs, and Charles H. Fischer to be lieutenants in the Navy from the 1st day of January, 1905.

Asst. Naval Constructor Guy A. Bisset to be an assistant naval constructor in the Navy, with the rank of lieutenant, from the 31st day of August, 1904.

Asst. Naval Constructors John E. Bailey and Henry M. Gleason to be assistant naval constructors in the Navy, with the rank of lieutenant, from the 30th day of September, 1904.

Gunner Patrick Hill to be a chief gunner in the Navy, from the 29th day of October, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved April 27, 1904, to correct the date of his promotion as confirmed on December 16, 1904.

##### APPOINTMENT IN THE ARMY.

##### Military Secretary's Department.

Alexander O. Brodie, of Arizona Territory, to be assistant chief of the Record and Pension Office, with the rank of major.

##### PROMOTIONS IN THE ARMY.

##### Pay Department.

Capt. Otto Becker, paymaster, to be paymaster with the rank of major, January 15, 1905.

##### Subsistence Department.

Lieut. Col. Henry B. Osgood, deputy commissary-general, to be assistant commissary-general with the rank of colonel, January 19, 1905.

Maj. William H. Baldwin, commissary, to be deputy commissary-general with the rank of lieutenant-colonel, January 19, 1905.

##### Medical Department.

Lieut. Col. John Van R. Hoff, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, January 19, 1905.

Maj. William B. Davis, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, January 19, 1905.

Capt. Champe C. McCulloch, jr., assistant surgeon, to be surgeon with the rank of major, January 19, 1905.

##### Ordnance Department.

Lieut. Col. Charles S. Smith, Ordnance Department, to be colonel, January 19, 1905.

Maj. Andrew H. Russell, Ordnance Department, to be lieutenant-colonel, January 19, 1905.

Capt. Beverly W. Dunn, Ordnance Department, to be major, January 19, 1905.

##### POSTMASTERS.

##### ALABAMA.

George F. Schad to be postmaster at Brewton, in the county of Escambia and State of Alabama.

##### CALIFORNIA.

Jesse H. Dungan to be postmaster at Woodland, in the county of Yolo and State of California.

Frank H. Owen to be postmaster at Winters, in the county of Yolo and State of California.

##### COLORADO.

Thomas H. Davy to be postmaster at Fort Collins, in the county of Larimer and State of Colorado.

##### NEW YORK.

John N. Van Antwerp to be postmaster at Fultonville, in the county of Montgomery and State of New York.

##### OREGON.

Harrison Kelly to be postmaster at Burns, in the county of Harney and State of Oregon.

## HOUSE OF REPRESENTATIVES.

THURSDAY, January 26, 1905.

The House met at 12 o'clock in.

Prayer by Rev. JOHN VAN SCHAIK, Jr.

The Journal of yesterday's proceedings was read and approved.

#### EXPENSES OF IMPEACHMENT TRIAL OF JUDGE CHARLES SWAYNE.

Mr. HEMENWAY. Mr. Speaker, I desire to take from the Speaker's table Senate joint resolution 97, and ask for its immediate consideration.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the Senate joint resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. R. 97) providing for the payment of the expenses of the Senate in the impeachment trial of Charles Swayne.

*Resolved, etc.* That there be appropriated from any money in the Treasury not otherwise appropriated the sum of \$40,000, or so much thereof as may be necessary, to defray the expenses of the Senate in the impeachment trial of Charles Swayne.

The SPEAKER. Is there objection?

Mr. HUGHES of West Virginia. I object.

The SPEAKER. The gentleman from West Virginia objects. Mr. HUGHES of West Virginia. I want to find out why it is necessary for that amount to be appropriated for this purpose. It seems entirely too much.

Mr. HEMENWAY. I think it is too much; but no portion of it will be expended except that which is absolutely necessary; and I did not think it advisable to amend it.

Mr. HUGHES of West Virginia. Mr. Speaker, I withdraw my objection.

The SPEAKER. The gentleman withdraws his objection. Is there further objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading, read the third time, and passed.

#### ORDER OF BUSINESS.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the agricultural appropriation bill.

#### AGREEMENT WITH INDIANS ON THE SHOSHONE OR WIND RIVER RESERVATION, WYO.

Mr. FITZGERALD. Mr. Speaker, before the House goes into Committee of the Whole, I ask unanimous consent to present the views of the minority on the bill (H. R. 17394) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect.

The SPEAKER. The gentleman from New York asks unanimous consent to file the views of the minority on the bill that he has named. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

#### AGRICULTURAL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18329, the agricultural appropriation bill. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. WADSWORTH. Mr. Chairman, I will ask the Clerk to read the report. I think that will be about as easy a way of explaining the bill to the House as any other.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from New York.

The Clerk read as follows:

The Committee on Agriculture, having had under consideration the estimates of appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906, respectfully submit the accompanying bill (H. R. 18329) and report as follows:

The amount appropriated by this bill for the ordinary and regular routine work of the Department of Agriculture is \$6,204,710. The amount carried by the act for the current year is \$5,902,040, showing a net increase of \$302,670.

The committee has also added an emergency appropriation of \$190,000 "to enable the Secretary of Agriculture to meet the emergency caused by the ravages of the cotton-boll weevil and other insects and diseases affecting cotton," but for the sake of comparison this sum is not taken into consideration, as it is looked upon as only temporary, and therefore should not be considered as forming any part of the regular annual appropriation for the maintenance of the Department.

After full and careful consideration and investigation your committee resolved to make certain changes in the form of this appropriation bill, and these changes are based upon the following scheme of organization:

First. All classified scientific investigators or other classified employees engaged in scientific work in the city of Washington, now on statutory rolls, are transferred to the lump rolls of the respective bureaus, offices, or divisions in which they are now working at the same salaries they now receive, and additions aggregating the amount of their salaries are made to each lump fund.

Second. All classified clerks in the city of Washington, now on the lump rolls, are transferred to the statutory rolls at the same salaries they now receive, and deductions amounting to the aggregate of their salaries are taken from each lump fund.

Third. All classified messengers, watchmen, firemen, skilled laborers, and laborers now being paid from lump funds are transferred to the statutory rolls of the respective bureaus, offices, or divisions at the same salaries they now receive, and a deduction is made from the lump funds to the amount of the aggregate of their salaries in each case.

Fourth. All clerks and other employees paid from funds of one bureau and detailed for duty to another are transferred to the bureau or office in which they are working, and a sum equivalent to the salary of each employee is also transferred.

In accordance with this scheme there have been transferred from the miscellaneous lump rolls to the statutory rolls the following number of employees:

Clerks and miscellaneous employees	212
Messengers and laborers	87
Watchmen	6
Firemen	3
Skilled laborers	41
Classified laborers	250
Total	599

In the reorganization effected by this action a direct comparison between the appropriations for the several bureaus and divisions last year and the sums allowed this year is difficult to make in detail. The actual net increase, as stated above, is \$302,670, and the items going to make up this increase are, in round numbers, as follows: Weather Bureau, \$50,000; Bureau of Animal Industry, \$180,000; Bureau of Forestry, \$48,000; Irrigation, \$10,000; office of the Secretary, \$9,000, and Bureau of Plant Industry, \$12,000. These increases are made necessary by the legitimate and actual growth of these several bureaus and are granted for these reasons.

All other increases and decreases are merely apparent and are caused by the action taken in accordance with article 4 of the scheme of reorganization above cited. Only two increases of salary have been authorized, viz, that of the Assistant Chief of Division of Accounts, whose salary has been increased from \$2,000 to \$2,500, and that of the Chief of the Biological Survey from \$2,750 to \$3,000.

It will be noticed that by the rearrangement of the bill all scientists will be paid hereafter from the lump-sum appropriations, and in accordance with a clause contained in the bill their salaries will be fixed and their promotions made by the Secretary of Agriculture, said clause being as follows:

"And the Secretary of Agriculture is hereby authorized to make such appointments, promotions, and changes in salaries, on the lump funds of the several bureaus, divisions, and offices of the Department as may be for the best interests of the service: *Provided*, That the maximum salary of any classified scientific investigator in the city of Washington, or other employee engaged in scientific work, shall not exceed \$3,000 per annum. And the Secretary of Agriculture is hereby authorized and directed to pay the salary of each employee from the roll of the bureau, independent division, or office in which the employee is working and no other; and he is further authorized and directed to submit to Congress each year a statement covering all appointments, promotions, or other changes made in the salaries paid from lump funds, giving in each case the title, salary, and amount of such change or changes, together with reasons therefor."

By a recent order of the President all the skilled laborers employed by the Department have been covered into the classified service, and the bill provides as follows:

"All classified laborers transferred from the lump funds to the statutory rolls are hereby placed in the classified service without further examination in the grades and at the rates of compensation provided for in this act."

No salaries have been increased or reduced by this action, and this is in accordance with precedent and practice in other Departments of the Government under similar circumstances.

Mr. WADSWORTH. Mr. Chairman, I want to make one further explanation. Since that report was drawn the bill

transferring forest reserves to the Agricultural Department has practically been passed. That is to say, both Houses have agreed upon it, and, as the President recommended it, undoubtedly he will sign it. Therefore we have added to the bill \$375,000 for the Division of Forestry, heretofore carried on the sundry civil bill, and it will not hereafter be provided for on the sundry civil bill. Now I yield to the gentleman from Mississippi.

Mr. CANDLER. What I desire to ask the gentleman from New York about is the transfer in this bill of the salaries of scientists from a salary list to a lump sum in one instance, and in the other instance other employees transferred from a lump-sum fund to a specific appropriation.

Mr. WADSWORTH. The line of demarcation was very difficult to arrive at, but the committee finally decided they would transfer all scientists to lump-sum rolls, and that clerks, laborers, and the like should be transferred to the statutory rolls. In other words, the committee was willing to give the Secretary of Agriculture certain leeway for the promotion of scientists. If a scientist discovered something valuable, he could give him immediate recognition. On the statutory roll no promotion could be made except by an act of Congress or through a vacancy caused by death or resignation.

Mr. CANDLER. This transfer, then, from the lump-sum fund only applies to scientific men?

Mr. WADSWORTH. That is all.

Mr. CANDLER. It does not apply to anybody else?

Mr. WADSWORTH. And by a provision of the bill the Secretary is not allowed to promote anybody beyond \$3,000, and it is further provided that each year he must furnish Congress with a full list of those men who he has promoted and the reasons therefor.

Mr. CANDLER. Now, will the gentleman permit me another question? He knows that I am always very much interested in the distribution of seeds to the people of the country. I consider them very valuable to them, and wish the people to get them. I notice in this bill the appropriation this year is \$142,920.

Mr. WADSWORTH. You mean the amount that was given to the seed division. Last year the provision was \$290,000. The reduction is caused by the transfer of the employees in that division from the lump sum to the statutory roll. You will see it in the bill.

Mr. CANDLER. That is exactly the explanation I wanted to get, because in the last bill I know the provision was for \$290,000, and I wanted to know why there was a difference between one bill and the other.

Mr. WADSWORTH. The amount providing for seeds is exactly the same as last year. We gave \$290,000 for it.

Mr. CANDLER. There is no decrease in the amount for the seeds?

Mr. WADSWORTH. No.

Mr. CRUMPACKER. Mr. Chairman, I would like an explanation of one or two provisions in this bill that seem to me to be most extraordinary indeed.

Mr. WADSWORTH. On what page?

Mr. CRUMPACKER. Pages 12 and 13. Of course I recognize the necessity of making lump appropriations to a large extent in this kind of a bill. Under the subtitle "General expenses, Bureau of Animal Industry" I find, on page 12, a lump appropriation of \$1,431,520, to be expended absolutely in the discretion of the Secretary of Agriculture—

Mr. WADSWORTH. For the purpose named in the paragraph.

Mr. CRUMPACKER. For the general purposes named. Now, on page 13, among other purposes, I find enumerated this—

Mr. WADSWORTH. In what line?

Mr. CRUMPACKER. Beginning in line 6.

To establish, improve, and maintain quarantine stations, and to provide proper shelter and equipment for the care of neat cattle, domestic and other animals imported at such ports as may be deemed necessary.

Does that mean to provide shelter and equipment in the way of quarantine administration?

Mr. WADSWORTH. That is all.

Mr. CRUMPACKER. In the way of hospital shelter for the animals?

Mr. WADSWORTH. Yes, that is all; no food.

Mr. CRUMPACKER. And it is not a general cattle and stock barn for export and import stock?

Mr. WADSWORTH. Under the law every animal imported into this country must be subjected to a quarantine, and these are the Government quarantine stations. We have them at Boston, New York, Baltimore, and I am not sure, but I think there is one in the South.



Mr. CRUMPACKER. On the same page I find this:

And the Secretary of Agriculture may use so much of this sum as he deems necessary for promoting the extension and development of foreign markets for dairy and other farm products of the United States, and for suitable transportation of the same.

Mr. WADSWORTH. That is existing law. There is no change in that paragraph.

Mr. CRUMPACKER. And also the following:

And such products may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such products toward the continuation and repetition of such experimental exports.

Is that current law?

Mr. WADSWORTH. That is existing law, and has been existing law for three or four years.

Mr. CRUMPACKER. And under the provisions of this bill the Secretary of Agriculture has a fund of a million and some odd dollars at his absolute discretion, with which he may go into the open markets and buy farm products indiscriminately and export them abroad, sell them in the markets of the world, and with the money received buy again and sell, and continue to conduct a general export business without any limitation. I am criticising the extraordinary power that this paragraph confers upon the Secretary of Agriculture. He is not required to do any one of the particular things mentioned. Under the provisions of the paragraph he may use every single dollar put at his disposal in the general purchase of export articles in the line of farm products. He can buy and sell—

Mr. WADSWORTH. This refers only to dairy products, I believe.

Mr. CRUMPACKER. Dairy and other farm products.

Mr. WADSWORTH. The gentleman is right.

Mr. CRUMPACKER. He can buy oats, corn, and wheat and send them throughout the world, sell them in any of the markets of the world, and use the fund received from the sale to repeat the operations without limitation. It seems to me this is the most extraordinary power that was ever conferred upon the head of a Department, and a power that is most likely to be abused.

Mr. WADSWORTH. I want to say to the gentleman from Indiana that the Secretary of Agriculture has had that power for three or four years under this bill. He also has it under the head of "Pomological investigations," which the gentleman will find on page 19. The reason for giving him that power was this: In the case of dairy products it was found that our butter did not command a ready sale abroad, for some reason or other, and the dealers themselves did not seem to find out what was the reason. The Secretary thought it advisable that the Government should take hold of it and buy butter here in small quantities, export it, submit it to cold storage, coloring, etc., and ascertain what kind of butter the English people needed. These experiments were made in that way, and the gentleman will see that further on, on page 19, it is also provided for as to fruits. He found that we had a surplus of apples; they were taken to a foreign market, but they did not seem to fit it. They could not sell them. The fruit either was not of a proper kind or not in the proper condition, and the Secretary wanted to make the same experiment along these lines. The principal test was in the cold storage, as to what temperature these articles should be held at, and in packing. Now, this simply gives him the power, the only power he has ever exercised, to buy small quantities and take them over there, in cold storage and in different packing, and then, when the experiment was through, they were sold and the money turned back into the Treasury. There was no use in throwing the product away after he had got through with the experiment.

Mr. GRAFF. It was simply experimental shipments.

Mr. WADSWORTH. Yes; and I will say to the gentleman that those experiments are, I think, about concluded.

Mr. CRUMPACKER. I desired to call the attention of the chairman of the committee to this provision because it seemed to me to be such an extraordinary and unusual thing that I wanted some explanation of it. It seems to me that the butter raisers and the exporters in this country can have facilities and would find facilities for taking care of their own products and the promotion of their own business. I do not believe it is the function of government to take charge of the export of products and their sale in foreign markets. If the Secretary of Agriculture has practically concluded his experiments along this line, when the proper time comes I will ask the committee to strike out the provision.

Mr. WADSWORTH. I did not say that he had concluded them. I said he had very nearly concluded them.

Mr. CRUMPACKER. In my judgment, this bill goes beyond the limit of proper administrative assistance in what is essentially and necessarily private business. It carries the policy of

paternalism beyond that which this Government ever ought to go. Here is an unlimited power—over a million and a half dollars—vested in the Secretary of Agriculture to engage in the general purchase and export business. I do not believe the power ever ought to have been conferred on the Secretary even for the purpose of experimentation, and it ought now to be withheld. This bill contains a great many provisions that confer large discretionary powers upon the Secretary of Agriculture. In many respects I can see the necessity for it, but here is one that I think ought to go out of the bill, and when the proper time comes I will make a motion to strike it out.

Mr. WADSWORTH. I want to say to the gentleman from Indiana that his interpretation is rather too liberal. If he did this, how could he carry out the other provisions of the paragraph?

Mr. CRUMPACKER. I said that it could be.

Mr. WADSWORTH. I should say that three-quarters of the appropriation is used for the inspection of meat products destined for foreign countries. The gentleman knows that those countries will not receive our meat products without a Government inspection.

Mr. CRUMPACKER. Official inspection. I realize that.

Mr. WADSWORTH. The great bulk of the appropriation is expended in that way. It is designed to protect the agricultural interests of this country. I have always claimed that that provision deals more directly with the agricultural interests of this country than any other provision in the bill, because if we stop the inspection we close the foreign market.

Mr. CRUMPACKER. The tendency of the various Departments to encroach or enlarge their powers, to seek for larger discretionary authority, it seems to me ought to be limited by some reasonable provision.

Mr. WADSWORTH. I will agree with the gentleman that there is too much tendency to paternalism in all the Departments.

Mr. CRUMPACKER. This is one of the extreme cases.

Mr. WADSWORTH. I am sorry the gentleman did not notice it before. This has been in the bill for four or five years.

Mr. CRUMPACKER. It strikes me as a very unusual thing, to say the least, and the practice, I think, ought to be discontinued. It can not be justified or defended on any ground at all, in my judgment.

Mr. WADSWORTH. I remember when it was put in the bill, and not a voice was raised against it.

Mr. HAY rose.

Mr. WADSWORTH. Mr. Chairman, I yield to the gentleman from Virginia.

Mr. HAY. Mr. Chairman, on page 59 of the bill I find the following:

And the Secretary of Agriculture is hereby authorized to make such appointments, promotions, and changes in salaries on the lump sum of the several bureaus, divisions, and offices of the Department as may be for the best interests of the service.

I desire to ask the chairman of the committee whether any other Cabinet officer has this power?

Mr. WADSWORTH. Mr. Chairman, I stated to the gentleman from Mississippi [Mr. CANDLER] a few moments ago that in the recasting of this bill we transferred to the lump sums all the scientists. Now, it is very difficult for a layman to know exactly what a scientist is worth, and these men are continually being taken away from the Departments by private institutions like Harvard College and Yale, and other institutions in the West, at increased salaries. If the gentleman will read a little further he will see a limitation is put upon these lump-sum salaries up to \$3,000, and the Secretary must report to Congress each year the name and the salary and the promotion that he makes and the reason therefor.

Mr. HAY. Is not this new legislation?

Mr. WADSWORTH. It is.

Mr. HAY. Is it not conferring a power upon the Secretary of Agriculture which no other Secretary has?

Mr. WADSWORTH. No. I would state that the Secretary of Agriculture has always exercised that power on the lump-sum rolls. Now we limit it, and he has to report to Congress what he has done.

Mr. HAY. It is not confined to one bureau.

Mr. WADSWORTH. He has exercised that power in all the lump sum salaries.

Mr. HAY. So that he can promote just as he pleases?

Mr. WADSWORTH. Scientists only, up to \$3,000.

Mr. HAY. This is not confined to scientists only.

Mr. BOWIE. There is nobody but scientists on the lump sums.

Mr. WADSWORTH. Everybody else has been transferred to the statutory roll. It is a power, I want to say distinctly to

the gentleman from Virginia, that he has exercised and has been exercising without practically any report to Congress. Now, we simply give him that power up to \$3,000 and then he must report to Congress what he does, and we will pass judgment upon whether those promotions are proper or not.

Mr. BOWIE. Then we limit it strictly to scientists, whereas heretofore it has been unlimited.

Mr. BURLESON. As a matter of fact, Mr. Chairman, it is a limitation on the power of the Secretary, rather than an extension.

Mr. WADSWORTH. Yes; it is a limitation.

Mr. ADAMS of Wisconsin. Mr. Chairman, I wish to call the attention of the committee, and particularly of the gentleman from Indiana [Mr. CRUMPACKER], to the reasons for this somewhat remarkable legislation. I concede that it is remarkable on the face of it, but there is a reason for it. If there is any defect in this law it should not be remedied by striking out this clause, but by limiting the amount which the Secretary can expend under the law. The reason for the enactment of that legislation is this, that the Department of Agriculture and the friends of the agricultural interests in the United States had discovered that the foreign markets were being supplied with butter from other countries than the United States, and it was the desire of the Secretary of Agriculture to make such an investigation of the conditions of the foreign butter market and obtain such samples of American butter as would meet the demands of that market. He was not grasping for extraordinary power. He was simply endeavoring to obtain the means to enlarge the American market. This country is coming into competition with the dairy products and the fruit products and the meat products of every nation on the globe. England subsidizes her ships and subsidizes the butter industry of Australia by aiding the men who control the ships to put in a refrigerator service which will enable them to lay down the butter of Australia in the English market at the lowest possible price. They are, therefore, building up a great industry in one of her colonies; and Canada has built up a cheese trade that overshadows the foreign cheese trade of the United States, because in the exercise of the governmental power of that country, where they do not fear the shadow of paternalism, they have subsidized the carrying trade in that industry so that the cheese of Canada is put into the foreign market in the best possible condition and at the lowest possible cost.

And it was for that reason, to build up and restore the foreign butter trade of the United States and the foreign fruit trade of the United States, that this clause was put in the bill.

Mr. MADDOX. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield to the gentleman from Georgia?

Mr. MADDOX. I would like to ask the gentleman before he takes his seat; I understood from the chairman of this committee that this had been law for four years—

Mr. WADSWORTH. Yes, sir; at least four years.

Mr. MADDOX. Now, tell us what you have done for four years in the experiments you propose to make. What experiments have been made and what have been their results?

Mr. ADAMS of Wisconsin. I am not informed in great detail, but I know this, that the Secretary of Agriculture, as far as butter is concerned, has bought samples of butter in different sections of the United States and that he has placed those samples upon the English markets, and the American butter seller and butter producer are being informed as to the actual conditions there, and the butter trade of this country in foreign markets is being put upon an intelligent basis and is in process of being developed.

Mr. MADDOX. Is the only experiment being conducted with butter?

Mr. ADAMS of Wisconsin. That is as far as I know.

Mr. WADSWORTH. Oh, no; with fruit, apples, pears. In answer to the gentleman from Indiana I stated that apples had been experimented with—

Mr. HENRY of Connecticut. I might add for the information of the gentleman from Georgia, also carloads of peaches—Georgia peaches.

Mr. WADSWORTH. Now, Mr. Chairman, I will yield to the gentleman from Maine.

Mr. LITTLEFIELD. I would like to inquire of the chairman of the committee how much this bill carries in the aggregate?

Mr. WADSWORTH. The gentleman did not listen to the report which was read. It carries \$6,204,710 for the actual routine expenses of the Department and an emergency appropriation of \$190,000 for the cotton-boll weevil.

Mr. LITTLEFIELD. So that the bill carries a little less than the bill carried in 1905.

Mr. WADSWORTH. No; a little more. It carries \$302,670 more for routine work—what we call the routine work of the general Department—and then, in addition to that, it carries \$190,000 for the cotton-boll weevil.

Mr. LITTLEFIELD. So the aggregate of this bill is larger than the same bill of last year?

Mr. WADSWORTH. Yes; and we have added to it since the report was made \$375,000 for the forest reserves, but that is not an increase in appropriations because it is simply transferred from the sundry civil appropriation bill to this bill.

Mr. LITTLEFIELD. But as a result there is an increase in this bill?

Mr. WADSWORTH. Yes, sir; an increase of \$302,000.

Mr. LITTLEFIELD. Now, I called the attention of the committee last Monday to the fact that all the bills reported—this bill had not then been reported; I did not hear the explanation the gentleman made in full, because I was not in the House—but I called the attention of the committee to the fact that the net decrease in appropriations in the eight appropriation bills at that time reported was only about \$4,030,930.63.

Mr. WADSWORTH. That is the decrease in the bills then reported?

Mr. LITTLEFIELD. Yes, sir; as compared with 1905. I also called attention to the fact that the estimated appropriations were something like \$790,000,000, which, compared with our estimated revenues, showed a deficit of something like \$64,000,000. Since I made that inquiry the Navy Department have reported that there will have to be a deficiency appropriation to take care of that Department, aggregating something like fifteen millions of money, for this fiscal year, so that of itself will increase the appropriations of this year and increase the probable deficit to about \$79,000,000. Now, the inquiry I propounded the other day, and I would like to propound now, to the gentleman is this: Is the gentleman advised of what the policy is to be? Are we to continue these appropriations at their existing size, and therefore involve the necessity of increased taxation in order to get more revenue, or are we to cut these appropriations down and therefore avoid the necessity of increasing taxation?

Mr. WADSWORTH. I can only answer that so far as our action in regard to this bill is concerned. We labored very hard and faithfully to reduce the bill, but the actual growth of the Department demanded some increases, particularly in this Bureau of Animal Industry. The demand for the inspection of meat is constantly growing, somewhat due to the war in the East and the breaking out of scab in sheep and cattle on the Plains, which involves alone some \$200,000, I am reminded by my colleague.

Mr. LITTLEFIELD. I did not wish to assume that the gentleman is advised as to what the policy is going to be, but what I am endeavoring to ascertain is—and I will have to continue during the session to ascertain—what that policy is to be. Are we to cut the appropriations down, or are we to increase taxation? If we are to cut them down, where will we cut them down?

Mr. WADSWORTH. Not on the agricultural appropriation bill.

Mr. LITTLEFIELD. The gentleman is not sufficiently informed as to the general policy to advise us where that cutting should begin, whether on the agricultural bill, on the army bill, or on the naval bill, or on any other bill?

Mr. WADSWORTH. I will answer that in one word. I am in favor of cutting down the cost of our military establishment.

Mr. LITTLEFIELD. Now, does the gentleman think it wise or prudent or expedient or proper for us to continue to make appropriations which we know to be in excess of the revenue which we are going to receive?

Mr. WADSWORTH. That is another question. I do not care to answer that at the present moment.

Mr. BOWIE. Will the gentleman from Maine [Mr. LITTLEFIELD] permit me to interject a statement here?

Mr. LITTLEFIELD. Certainly.

Mr. BOWIE. In my judgment, the agricultural appropriation bill is the most economical bill that is presented to Congress. The agricultural industries of this country employ more than a third of the people of the United States. The appropriations are only three-quarters of 1 per cent of the total appropriations of the Government. There is an immense work in the way of development of scientific agriculture that is being conducted by the Government, and it is practically an impossibility to get it below the amount that is carried by this bill, namely, \$6,000,000. The increase in the bill is almost nominal. That is due almost entirely to a question of bookkeeping anyway. It is virtually the same as it has been for the last session or two. In this connection I will add that, considering the size of the country and



the number of acres in cultivation, we are spending less on the development of our agricultural interests than any first-class government in the world. I submit the following statement from the report of the Senate Committee on Agriculture and Forestry at the last session of Congress:

In this connection the committee deems it timely to call attention to the amounts expended by the agricultural departments in foreign countries, and also to the work of that Department in this country.

The Government expenditures for agriculture, as given by the latest obtainable figures, are as follows:

France	\$9,020,000
Austria	9,275,000
Hungary	9,400,000
Russia	25,280,000
Japan	3,750,000
United States (House estimate)	10,750,000

The United States is expending (on the basis of the House report estimate) less for the aid of agriculture than any of the European governments for which statistics are available, both in proportion to its area of land in agriculture and to the number of people engaged in agriculture, and this in spite of the greater need of experimentation and aid to development in a new country, where such a variety of conditions are presented and such a multitude of problems arise in the working out of methods of agricultural practice.

To equal the appropriations made for agriculture by any of the foreign governments mentioned, the area of land under agriculture in this country would call for an expenditure by the Federal and State governments of \$90,000,000 a year instead of \$10,000,000.

The foregoing figures show the total appropriations. The following figures show the amounts expended in certain important foreign countries per acre of tillable land and per capita of agricultural population:

*Expenditure by Government per acre of agricultural land.*

	Cents.
France	9.8
Austria	13.3
Hungary	12.4
Russia (about)	4.0
United States	1.3

*Government expenditure per capita of agricultural population.*

	Cents.
France	52
Austria	69
Hungary	90
United States	35

Attention has been called to the expenditures for agricultural purposes made in this country in the States. It is interesting to compare the work that is being done in this country with foreign countries. The following table shows the area in square miles of some of the more important agricultural producing countries, the number of experiment stations in each of these countries, and the ratio of stations to the area.

*Agricultural experiment stations in different countries.*

Country.	Area, square miles.	Number of stations.	Ratio of stations to area.
Russia	8,060,385	102	1 to every 84,906 square miles.
Germany	208,830	80	1 to every 2,610 square miles.
France	207,644	71	1 to every 2,916 square miles.
Austria-Hungary	241,333	61	1 to every 3,956 square miles.
United States	3,682,125	60	1 to every 61,535 square miles.
Sweden	172,876	26	1 to every 6,645 square miles.
Italy	110,550	22	1 to every 5,025 square miles.
Belgium	11,373	15	1 to every 758 square miles.
Japan	147,655	15	1 to every 9,844 square miles.
Norway	124,130	12	1 to every 10,344 square miles.

In no section of the United States are there as many stations in proportion to land area as in France and Germany. In our smallest States along the Atlantic coast we have 1 station for 24,000 square miles; France and Germany have eight times as many. The South Central States with their 10 stations are 40 per cent larger than all of France and Germany with their 151 stations, and Texas alone, with 1 Federal station, is 27 per cent larger than either of these countries. The ratio of stations to area in France and Germany is 96 to 1, as compared with Texas, 28 to 1 as compared with Minnesota and the Dakotas, and 39 to 1 as compared with the Pacific States.

But there is a reason for a more liberal expenditure for agriculture in this country than in the countries of Europe. In the countries of Europe it is a condition of practically finished growth. Many years of experience have settled the crops and methods of agriculture suited to their conditions, while we are constantly introducing new crops and bringing vast new areas under profitable cultivation.

Of the total appropriation for the Department of Agriculture approximately \$2,000,000 is expended annually on routine administrative duties connected with the Weather Service and the inspection of meat, dairy products, foods, etc., leaving only approximately \$3,000,000 (exclusive of the appropriations of the State experiment stations) for the conducting of investigations for the promotion and extension of agriculture. Adding this \$3,000,000 to the appropriation by the State experiment stations (\$810,000), and the amount expended by the States for the experiment stations, which is about \$500,000, we have an annual expenditure of \$4,310,000 by nation and States for investigations for the improvement of our agriculture.

Since the annual value of the agricultural products of this country exceed \$5,000,000,000, it appears that we are spending for this purpose in the United States about 80 cents for each \$1,000 worth of agricultural products, or eight-tenths of a mill for \$1 of agricultural production.

As further argument in favor of liberal appropriations for agricultural purposes, attention may be called to our surplus production and the farmers' balance of trade. The Secretary of Agriculture calls attention to this matter in his recent report to the President in the following lines:

"During the thirteen years 1890-1902 the average annual excess of domestic exports over imports amounted to \$275,000,000, and during the same time the annual average in favor of farm products was \$337,

000,000, from which it is apparent that there was an average annual adverse balance of trade in products other than those of the farm amounting to \$62,000,000, which the farmers offset and had left \$275,000,000 to the credit of themselves and the country.

"Taking the business of 1903, the comparison is much more favorable to the farmers than during the preceding thirteen-year period, since the value of domestic exports over imports was \$367,000,000, the entire trade being included, while the excess for farm products was \$422,000,000, which was sufficient not only to offset the unfavorable balance of trade of \$56,000,000 in products other than those of the farm, but to leave, as above stated, the enormous favorable balance of \$367,000,000.

"During the last fourteen years there was a balance of trade in favor of farm products, without excepting any year, that amounted to \$4,806,000,000. Against this was an adverse balance of trade in products other than those of the farm of \$865,000,000, and the farmers not only canceled this immense obligation, but had enough left to place \$3,940,000,000 to the credit of the nation when the books of international exchange were balanced.

"These figures tersely express the immense national reserve-sustaining power of the farmers of the country under present quantities of production. It is the farmers who have paid the foreign bondholders."

Mr. HULL. Does the gentleman from Alabama [Mr. BOWIE] say that it is a question of bookkeeping only?

Mr. BOWIE. Not entirely, no. It is the question of transfer from one Department to another.

Mr. WADSWORTH. There is an actual increase of \$302,000.

Mr. LITTLEFIELD. I hope the distinguished chairman of the committee [Mr. WADSWORTH] and my distinguished friend from Alabama [Mr. BOWIE] did not understand me to intimate that this bill in itself carries too much, or that the expenditures were unwise or improper, but that they do understand that I am trying to find out—and the only way I can ascertain it, as far as I know, is to interrogate the various chairmen of the committees that have charge of these appropriations—that what I want to find out is, if I can, whether we are to continue to appropriate to this extent with the condition that is now confronting us. I did not insist that this bill should be cut down; I have no doubt that the gentleman states absolutely the facts in connection with it, and I have no doubt that the expenditure called for is wise; but if we are to cut down I would like to have some gentleman who is thoroughly advised explain when and where and how and on what bill. If we are not to cut down, I would like to have some gentleman tell us where and how we are to increase taxation and increase this revenue. I hope I make myself plain. My proposition is general. I do not criticize this particular bill.

Mr. ROBINSON of Indiana. I would like to say to the gentleman from Maine [Mr. LITTLEFIELD] that he must not lose sight of the fact that under the law this House seems to have the exclusive right to initiate bills for the raising of revenue. But it seems to be the exclusive jurisdiction of the Senate to raise appropriations, and on the military bill the Senate of the United States raised the appropriation over the House figures \$1,000,000. Other increases over our House appropriations will come trooping along. Mark the prediction. It seems that on the consular bill the House has an increase of \$78,000 by its own committee, and no one can foretell Senate action, and I am surprised that the gentleman, confronted with this deficit as we are, and as careful as we all know him to be, has been compelled to raise the appropriation here without a single effort made on the Republican side to do anything to reduce appropriations or raise revenue to meet the deficit now impending.

Mr. CRUMPACKER. Mr. Chairman—

The CHAIRMAN. How much time does the gentleman from New York yield?

Mr. CRUMPACKER. I just desire to ask the gentleman a question or two.

Mr. WADSWORTH. I yield to the gentleman for a question.

Mr. CRUMPACKER. The gentleman from Wisconsin made a statement discussing the importance of the power vested in the Secretary of Agriculture to assist in the promotion of investigations concerning the feasibility of extending the demands of foreign markets for our daily products.

Now, this bill authorizes the Secretary of Agriculture to use as much of the amount as is carried in this bill to investigate concerning the feasibility of extending the demand for foreign markets for the dairy and other farm products of the United States. Is not that a sufficient power given to the Secretary of Agriculture to investigate the conditions in relation to the foreign market for American farm products, and report to the producers of this country, affording them sufficient information to avail themselves of all the advantages that can be gotten, without conferring upon him the power to go into the market, buy those products, ship them as an ordinary buyer and shipper might do? Is it necessary to confer this power of purchase and shipment upon the Secretary of Agriculture?

Mr. ADAMS of Wisconsin. I think that that would be, as the gentleman from Mississippi would say, rather academic work. I think the best way to make that investigation most valuable and practicable would be to do the thing itself—to buy the

articles and send them abroad, and send an agent with them, and thus make a direct and practical investigation. I do not know but that the criticism made upon this legislation in the manner in which it appears upon this bill is rather just. I think it could very properly be regulated by a limitation, which should be made, which need not be a criticism upon the present administration of the Agricultural Department, for no man who knows the Secretary of Agriculture will imagine that he will use the extraordinary power conferred in this bill improperly or squander the money of the Government, but under a different Administration the precedent established might be a bad one, and it might be proper to incorporate a limitation.

Mr. CRUMPACKER. If it is the opinion of the gentleman that it is better thus to facilitate the ascertainment of the demands of the foreign market, would not it be the best policy to go into the business and buy all the surplus dairy products of the country and ship them—for the Government to go into the market and become a general customer?

Mr. ADAMS of Wisconsin. That would be going into business.

Mr. CRUMPACKER. This is business.

Mr. WADSWORTH. It is an experimental business.

Mr. CLARK. I want to ask a question or two merely for information, and I invite the considerate attention of the chairman on Military Affairs to the question, and I also would invite the attention of the chairman of the Committee on Appropriations if he were present. The other day there was a great outcry from that side of the House because there was a proposition pending here to make an appropriation in a lump sum to the teachers of the District of Columbia to be apportioned by the board of education. Now, then, I want to know if the mind and conscience of that side of the House has undergone a radical change on the subject of lump-sum appropriations since we had up that bill. If there are any of you who want to answer that question I will give you a chance.

Mr. WADSWORTH. So far as the Committee on Agriculture is concerned, and the appropriation for that Department, we have not altered. This has always been the practice in this bill, I would say to the gentleman.

Mr. CLARK. Well, has it been the practice of the Agricultural Committee heretofore to give to the Secretary of Agriculture the power to fix salaries for those employed there in that Department?

Mr. WADSWORTH. The Secretary has already used that power.

Mr. CLARK. The power of fixing the salaries out of a lump-sum appropriation?

Mr. WADSWORTH. And so has every other Secretary.

Mr. CLARK. Will the gentleman tell us why, if the Secretary is to be given that power, that the same power could not be given to the board of education to fix the salaries of the school-teachers out of a lump sum?

Mr. WADSWORTH. Ask that question of the gentleman from Minnesota.

Mr. CLARK. I am now asking that question of the gentleman from Iowa, because he is in here.

Mr. HULL. There is no power vested in the Departments to fix the salaries, and if the Secretary of Agriculture, the Secretary of War, or the Secretary of the Treasury is using that power under appropriation bills, I would advise the committees in charge of those bills to take it away from them.

Mr. CLARK. Well, you are consistent then, at any rate, and the rest of them are not.

Mr. THOMAS of North Carolina. I should like to ask the gentleman from New York a question with regard to a matter in which I have considerable interest. Does this bill carry the same appropriation as was carried in the former bill for the collection of truck statistics—statistics with reference to early fruits and vegetables?

Mr. WADSWORTH. It does.

Mr. THOMAS of North Carolina. Strawberries and other similar products?

Mr. WADSWORTH. Yes; that appropriation has not been changed.

Mr. THOMAS of North Carolina. I represent a large trucking district, and that is the reason I ask the question.

Mr. WADSWORTH. Mr. Chairman, I want to put in the RECORD here a couple of paragraphs from the report of the Secretary of Agriculture, which I think are extraordinary, showing the enormous total of farm products in the United States. The Secretary calls them "unthinkable aggregates." It shows the wonderful growth of the agricultural industries of this country. I will read:

After a laborious and careful estimate of the value of the products of the farm during 1904, made within the census scope, it is safe to

place this amount at \$4,900,000,000, after excluding the value of farm crops fed to live stock in order to avoid duplication of values. A similar estimate made for 1903 gives \$4,480,000,000, and the census total for 1899 is \$3,742,000,000. It is by no means to be admitted that these figures represent fully the value of the wealth produced on farms. Within the limits of ascertainable values the farms of 1904 produced an aggregate wealth with a farm valuation that was 9.65 per cent above the product of 1903 and 31.28 per cent above the figures for the census year 1899.

Thirty-one per cent increase since 1899.

An occupation that has produced such an unthinkable value as one aggregating nearly \$5,000,000,000 within a year may be better measured by some comparisons. All of the gold mines of the entire world have not produced since Columbus discovered America a greater value of gold than the farmers of this country have produced in wealth in two years; this year's product is over six times the amount of the capital stock of all national banks; it comes within three-fourths of a billion dollars of equaling the value of the manufactures of 1900, less the cost of materials used; it is twice the sum of our exports and imports for a year; it is three times the gross earnings from the operations of the railways; it is three and a half times the value of all minerals produced in this country, including coal, iron ore, gold, silver, and quarried stone.

I think in the face of those figures the sum of \$6,000,000 is not very large to expend in the development of our agricultural industries.

Mr. HULL. Will the gentleman yield for a question?

Mr. WADSWORTH. I will.

Mr. HULL. I was not in when the gentleman made his first statement, so he may have covered the ground. I agree with the gentleman that the sum of \$6,000,000 is not too much for the agricultural interests of this country, if properly expended, and I have great faith in the present Secretary. The whole question is one of proper legislation, not amount. The gentleman, I suppose, has guarded against going into any line of experimentation where the business of the country can take care of itself.

Mr. WADSWORTH. We have tried to, but we have not always succeeded.

Mr. HULL. Last year I think the gentleman inserted in the bill an appropriation of \$25,000 for starting a stud farm for breeding horses.

Mr. WADSWORTH. The gentleman did not insert it in the bill, and the House Committee on Agriculture did not. The Senate did that.

Mr. HULL. The gentleman from New York agreed to it.

Mr. WADSWORTH. He agreed to it, yes; as he has to agree to some things against his will. One vote will not always control.

Mr. HULL. I should like to ask the gentleman what has been done about the continuation of that project?

Mr. WADSWORTH. The appropriation stands the same as last year.

Mr. HULL. I want to ask the gentleman another question. Does the gentleman believe that is a line of work that Congress should take up?

Mr. WADSWORTH. I do not.

Mr. HULL. Then I have heard that the Department has gone onto the range and paid as high as \$400 or more for brood mares from the range. Is that true?

Mr. WADSWORTH. That is our information—range mares for breeding purposes.

Mr. HULL. What is the gentleman's information as to the general value of range mares?

Mr. WADSWORTH. I suppose there are range mares and range mares. I suppose on the best ranches in the West there are mares that ought to sell, perhaps, for quite that sum for breeding purposes.

Mr. HULL. Raised wild?

Mr. WADSWORTH. Yes; but high-bred mares.

Mr. HULL. The gentleman's committee having continued this for the coming year, it will naturally have to be followed out for several years before he can tell the results?

Mr. WADSWORTH. Yes.

Mr. HULL. Now, Mr. Chairman, all over this country we have had men engaged in breeding for the last two or three hundred years; it is a private enterprise, with capital invested, and I would like to ask the gentleman if he thinks Congress ought to go into this matter now, which must, in the nature of things, be something against the private interests of the breeders of the United States?

Mr. WADSWORTH. I have said, in answer to the gentleman, that I do not believe in it, but my judgment is only that of one member of the committee. The Secretary of Agriculture disagrees with me, and he is honest in his opinion about it.

Mr. ADAMS of Wisconsin. Mr. Chairman—

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Wisconsin?

Mr. WADSWORTH. I do.

Mr. ADAMS of Wisconsin. Mr. Chairman, as one of the members of the Committee on Agriculture I disagree with the



chairman and the critical gentleman from Iowa, who comes into the House reporting a bill providing for the expenditure of about \$70,000,000 for the Army. I want to say to him that I voted for the particular clause in the agricultural appropriation bill which provides for the breeding and feeding experiments through the agency of the Department of Agriculture. I want to say that I feel as much confidence in the judgment and knowledge and wisdom of the Secretary of Agriculture, when it comes to a question of this kind, as I have confidence in the distinguished gentleman from Iowa who has charge of the Committee on Military Affairs. [Laughter.]

The Committee on Agriculture made that appropriation because the problems of breeding have not been settled by the breeders of this country nor by the Congressional delegation from the State of Iowa. [Laughter.] The committee voted for this appropriation because this problem is important to the great live-stock interests of the United States, and because they want the wisdom and scientific knowledge and good sense of the Department of Agriculture and the money of the United States to try and solve these problems, which are so important to the farming interests in this country. Not only is the question of breeding, but the questions of feeding are important, and every man who owns a cow or a horse or a steer or a chicken or has a child to feed is interested in it, and will stand by the provision in this bill. The breeders and live-stock men of this country will stand by it almost to a man.

Mr. WILLIAMS of Mississippi. Before the gentleman takes his seat I would like to ask him a question.

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Mississippi?

Mr. ADAMS of Wisconsin. Yes.

Mr. WILLIAMS of Mississippi. I want to ask the gentleman if he does not think that even if solving these breeding problems were as absurd as the gentleman from Iowa would have us consider them, they are no less absurd and no less equally worthy of an appropriation than the solution of problems arising in the minds of the officers of the National Guard, for which great appropriations are made for maneuvers at Manassas and other points? [Laughter.]

Mr. ADAMS of Wisconsin. If the gentleman from Mississippi expects me to go into the impenetrable mystery in the minds of the officers of the National Guard, he will be disappointed. [Laughter.]

Mr. FITZGERALD. Will my colleague yield for a question?

Mr. WADSWORTH. Certainly.

Mr. FITZGERALD. There is a provision on page 9 of this bill with reference to the penalty for counterfeiting forecasts, which provides that certain acts shall be a misdemeanor, and prescribes penalties for the commission of those acts. Is this new legislation?

Mr. WADSWORTH. A part of it is. The old law read as follows:

Any person who shall knowingly issue or publish any counterfeit weather forecasts or warnings of weather conditions, falsely representing such forecasts or warnings to have been issued or published by the Weather Bureau, United States Signal Service, or other branch of the Government service, shall be deemed guilty of a misdemeanor, and, on conviction thereof, for each offense, be fined in a sum not exceeding \$500, or imprisoned not to exceed ninety days, or be both fined and imprisoned, in the discretion of the court.

What is new here is simply that they must not use any flag or symbol or illustration of any flag or symbol copied or modeled after those adopted and used by the Weather Bureau or other branch of the Government service, etc.

Mr. FITZGERALD. Does my colleague believe that it is a wise thing to amend the criminal laws of the country on an appropriation bill?

Mr. WADSWORTH. It may be, strictly speaking, an amendment of a criminal law, but I call attention to the fact that the penalty remains the same.

Mr. FITZGERALD. It extends the operation of a criminal statute, and I suppose that nobody outside of this House would ever know that it was on the statute book until he was arrested and arraigned for the commission of the offense.

Mr. WADSWORTH. The committee thought that it was such a "modest" amendment of the criminal law that it would do no harm to put it in here.

Mr. WALLACE rose.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Arkansas?

Mr. WADSWORTH. Yes.

Mr. WALLACE. In the confusion of the House a while ago I understood from the reading of the report that there was no provision in the bill for the extermination of the boll weevil; that it was eliminated from this bill. Now, I would like to ask

the gentleman, as a matter of information for myself, in what manner will provision be made for the boll weevil?

Mr. WADSWORTH. There is a provision in the bill of \$190,000 for that purpose. We call it an "emergency appropriation."

Mr. HULL. Mr. Chairman, I want to say just a word or two in reference to the very humorous and witty speech of my friend the gentleman from Wisconsin [Mr. ADAMS]. I want to say to the Committee of the Whole that before this was taken up with the Agricultural Committee at all it was submitted to the Committee on Military Affairs to start a farm for breeding cavalry horses, and some provisions of the bill would have led to an extensive expenditure finally. I think there was not a member of the Committee on Military Affairs in favor of going into any such business. When they could not get the permission for the Government to start a stud farm from the Committee on Military Affairs, they turned to the Committee on Agriculture, and it seems they succeeded better there. My contention is that when it comes to breeding horses the men who have made a life study of that subject will do better than any Government experimentation can do.

Why, when we wanted the running horses in the earlier days of the Republic Kentucky bred a long-distance running horse that would beat the world. When it came to the trotting horses, in Kentucky they bred a trotting horse that would beat the world. Coming back now to the shorter distance running horses, they breed them and send them to Europe and beat the world. We are coming to the question now of draft animals, and in my State and all the other States of the Northwest, at least, men have put hundreds of thousands of dollars into their business and are breeding as good draft horses as any country in the world. Why, Mr. Chairman, we have to appropriate in this very bill money to protect our own farmers from the horses they import from Europe to-day. Those horses are brought here diseased and are ordered killed by our veterinary surgeons, and we pay one-half of their value in order to have the privilege of killing them, after they have proven to be utterly worthless. Our own individual citizens have gone on with breeding cattle until to-day we have the best cattle in the world, the best beef cattle, and we beat Europe. The only reason we send to Europe for any cattle at all now is simply to replenish the stock, and the gentleman from Texas [Mr. BURLESON] says the best in the world comes from that State. I am not going to take any exception to that, because Texas is a part of the Union.

Mr. BURLESON. And will continue to be. [Laughter.]

Mr. HULL. My contention is not to be laughed down, Mr. Chairman, I do not propose to offer any amendment. I only call the attention of the House to the fact that we are constantly going into experimentation and that it seems to me it is branching into the private business of the country.

This Government is not a paternal government like that of Russia; it is a government of the free people. It is a government where we want protection of law, with the largest individual freedom of citizens. That is what makes us great. That is what makes us powerful. [Applause.] It is not the Government that makes us powerful. It is the people of the United States in the exercise of this great sovereignty that has made the Government powerful. [Applause.]

Mr. BURLESON. Will the gentleman permit me a suggestion?

Mr. HULL. Yes.

Mr. BURLESON. I agree with a great deal that the gentleman has said. As a matter of fact his argument might have been very persuasive last year, but this experiment has already been undertaken, and, as I understand the gentleman, he does not now contend that it ought not to be abandoned?

Mr. HULL. No; but I want to call the attention of the House to the gradual encroachments of these items by which the Government is constantly going more and more into a line of business that, in my judgment, is better done by private citizens, backed by their own capital, than it will be by the Government.

Mr. BURLESON. I agree with the gentleman.

Mr. HULL. And I hope the Committee on Agriculture will not continue to even permit the august body at the other end of the Capitol to continually get them into wrong positions. [Applause.]

So far as the military bill is concerned, whether we shall appropriate to instruct the militia is a question which is always brought directly to the House, and the majority of the House can determine from time to time whether we shall or not. That has nothing to do with this question. The Army, the defense of the nation, has always been a national arm and not a private

enterprise, and whether these citizen soldiers of the different States shall be in the future instructed in the art of war is purely for Congress to decide. This year there was no proposition to carry it on outside of the regular annual appropriation for the militia. Whether there will be next year I can not say, but whether we shall determine to try it or not, Congress always has the right, always has the power, after a full investigation, to say whether one dollar shall be given to them. So far as I am concerned, I believe the militia of the States is the bulwark of the nation.

So far as I am concerned, I want a small standing Army, only enough for a nucleus, around which we can rally, with which an instructed militia in the future, as it has in all the wars of the past, when danger shall assail the Government can take up the flag and carry it to victory, against any enemy, no matter from whence that enemy may come. [Applause.]

Mr. ADAMS of Wisconsin. Mr. Chairman, the gentleman from Iowa is, I think, mistaken in the origin of the clause under discussion. That clause provides:

For experiments in animal breeding and feeding in cooperation with State agricultural stations, \$25,000.

Mr. HULL. Will the gentleman just permit me to say the gentleman from Iowa did not assume where it originated. The gentleman from Iowa took the statement of the chairman that it was put on in the Senate. I am not responsible, and I do not know where it originated.

Mr. ADAMS of Wisconsin. I inferred from the gentleman's remarks that this clause was a sort of derelict which floated from the Committee on Military Affairs and finally landed in the Committee on Agriculture. Now, the truth is that this clause was put in here at the request of a number of Members of Congress of this House from the Western States.

Mr. WADSWORTH. By the Senate.

Mr. ADAMS of Wisconsin. An effort was made to put it on in the House, but it failed, and it succeeded in the Senate—

Mr. WADSWORTH. It failed in committee.

Mr. ADAMS of Wisconsin. It went over to the Senate and was incorporated in the House bill there from the Committee on Agriculture. Now, this is not a little scheme of breeding cavalry horses by any means. It is something which is earnestly desired, not only by Members of this House, but by men who are interested in feeding and breeding experiments in the Western States. It is not a job by any means, and I am not at all disturbed by the cry of paternalism which the gentleman has brought in here. If that argument against this clause is good, it is good against almost the entire appropriation for the Department of Agriculture. Nearly all its work is in the nature of paternalism. We all know it. Why do we make those appropriations? We make them because we believe that by the expenditure of the money we can increase the taxable property of the United States, and thereby increase the revenues upon which the life and existence of this Government depend. Appropriations are made not simply as sops to the farmer. They are appropriations made by a legislative body in the exercise of its constitutional authority to develop productive industries of this country, and for no other reason. I think it comes in bad grace for the gentleman from the Committee on Military Affairs to come in here pleading for great military and naval establishments and to criticize the small agricultural appropriation bill which will add not only to the wealth of the country, but to the brains of the country, the sense, the knowledge, the judgment, and the good citizenship of 11,000,000 men who are working upon the farms of the United States. [Applause.]

Mr. WADSWORTH. Mr. Chairman, I yield to my colleague on the committee from Kansas [Mr. Scott]. General debate has not been limited.

Mr. SCOTT. Mr. Chairman, I rarely avail myself of the privilege afforded by the rules of the House under general debate to discuss a measure not immediately before this body; and I feel now indeed that I am wandering but little from my accustomed practice in asking the attention of the committee at this time to some brief observations upon the question of the regulation of railroad rates. We now have before us a measure making appropriation for the support of the Department of Agriculture. The whole purpose and the sole purpose of this measure is to promote the farming and live-stock interests in the United States, yet I do not believe I should exaggerate if I should say that no single item in this bill, indeed the aggregate of all its items, can compare for a moment in importance as a factor in determining the agricultural welfare of America with the question of fair, reasonable, and undiscriminating freight rates. The total value of the farm products and live stock produced in the State of Kansas last year reached the enormous sum of nearly \$400,000,000.

Mr. GILBERT. May I ask the gentleman a question right there?

Mr. SCOTT. Certainly.

Mr. GILBERT. Were any farm products of Kansas last year selling at any greater price in the home markets than similar farm products were selling at the same time in the foreign markets?

Mr. SCOTT. I am unable to answer that question. I am not conversant with the foreign farm markets, and I do not see that the question is pertinent to the subject I am now discussing.

Mr. BOWIE. We do not have a trust in foreign products.

Mr. SCOTT. I am simply directing attention to the enormous total of farm products of my own State, and the same matter, as related to the entire country, was called to the attention of the House a moment ago when the chairman of the committee, reading from a report of the Secretary of Agriculture, showed that the grand total of farm products of the United States was nearly \$5,000,000,000. That the men whose industry, skill, and patience have added these enormous sums to the world's wealth are vitally interested in the charges that shall be levied upon their products in transporting them to the world's markets is too clear for argument. And it is this interest on the part of the people whom I am endeavoring to represent here which, in my judgment, warrants a discussion of this question during a part of the time that has been set apart for the consideration of the agricultural interests of our country.

But the farmers of Kansas are by no means the only ones who are interested in this question. Our merchants and manufacturers are no less concerned. Indeed, it is a matter of importance to every citizen for, in the language of the chairman of the Interstate Commerce Law Convention, which met recently in St. Louis. "There is no element in the economic world so pervasive as the cost of transportation. It constitutes an integral part of the cost of every article of food and clothing used by every man, woman, and child, and of all materials that enter into the construction and furnishing of a habitation for man, the heating and lighting of such habitation, and, in fact, of everything that is employed for the sustenance and comfort or gratification of man."

And the people of Kansas, Mr. Chairman, are not only interested in the transportation problem but they are profoundly discontented with existing conditions. For more than twenty years I have been engaged in the newspaper business, obliged, perforce, to take note of public sentiment, and I stand here to say that during all those years there has been no public question upon which the people of Kansas have been so unanimous as they are in the agreement that they are not being fairly dealt with by the great transportation companies. And they are unanimous also in their agreement as to the remedy that should be applied. This sentiment of discontent has found expression in every way—in resolutions presented to and adopted by the legislature, in memorials addressed by commercial bodies to Congress, by private letters, and by personal solicitation. Among the large number of such communications which I have received I wish to read a few extracts from a letter which has just come to me from the Business Men's Association of Emporia, one of the prominent towns in my State:

This business association represents the business men of this and adjoining counties, and a glance at the names of the men active in our association will convince you that we do represent the business interests of this locality.

Men come to our officers daily, asking what is being done or what is likely to be done at this session. Personal letters by the carload from representative citizens, members of our association, could be sent you if we thought it would help the cause, but we trust it will not be necessary. This demand is universal throughout the agricultural section of the Middle West, and Kansas above all. Our people have suffered from discriminating rates since Kansas was settled. The railway motto has been, "All the traffic will bear." We beg again to repeat that this appeal from our organization does not consist of the hot-air enthusiasm of a few individuals, but we voice the sentiment of every business interest, large and small, in the several counties around our city.

It is obvious, gentlemen, that this is not the stereotyped, perfunctory letter, a type which we all recognize. This is a letter which expresses the convictions, honestly held and intelligently formed, of a man who is very much in earnest. And it is not signed by the hired secretary of an organization endeavoring to earn his salary. It has the autograph signatures of nearly twenty of the leading residents of that city, many of whom have a State-wide reputation as successful, level-headed, and conservative business men. I have read this merely as a sample of letters I have received, all expressing extreme dissatisfaction with the existing conditions and all pointing to the same remedy.

This discontent is all the more significant, Mr. Chairman, for the reason that it makes its appearance at a time when the people of my State are enjoying an unusual degree of prosperity. During the past ten years the value of the farm products and of live stock produced in the State of Kansas has reached the stu-



pandous total of \$1,800,000,000 in round numbers. To this has been added millions of dollars' worth of coal, and zinc, and lead, and salt, and oil, and other mineral products, with the result that our people are able to surround themselves with more of the comforts and luxuries of life than ever before in the history of the State.

Their protest against the freight-rate situation, therefore, is not due in the least degree to the unreasoning resentment against everybody who is prosperous, which sometimes finds expression in a period of hard times by those who are not prosperous. Neither is this protest inspired in any considerable degree by politics or any socialistic belief in the Government ownership of railroads, or by hatred of corporations because they are corporations. The people of Kansas, Mr. Chairman, are the sanest people in the world. They understand perfectly well that the evolution of modern business and industrial methods has made corporations necessary, and they have no feeling of antagonism against them. They understand perfectly well, also, that in Kansas the railroads were the pioneers, blazing the way for the settler and obliterating the frontier. They remember gratefully that there have been times when the people were in dire need that the railroads were the most generous contributors to the relief of destitute communities. There is absolutely no anti-railroad sentiment in Kansas, as that term is commonly understood. And it is because this is true that the unanimous and emphatic demand of our people for effective regulation and supervision of railroad rates is particularly significant and is entitled to special consideration.

What is the cause of the discontent which is making itself manifest so emphatically and in so many different ways?

It can all be summed up in a single word—discrimination.

The people of Kansas do not believe they are getting a "square deal" in comparison with other localities; and as evidence that there is ground for this sentiment, I wish to call the attention of the committee to some statements that appear in various reports of the Interstate Commerce Commission. On page 509, of a decision which was rendered June, 1903, the Commission presents the following facts:

From Sugar City, Colo., the distance to Wichita is 405 miles; to Kansas City, 569 miles; to St. Louis, 842 miles. From Rocky Ford, Colo., the distance to Newton is 380 miles; to Wichita, 407 miles; to Arkansas City, 460 miles, and to Kansas City, 581 miles.

California sugar reaches Kansas City at a rate of 55 cents, with a full local back to Wichita of 15 cents, making the through rate to Wichita 70 cents per 100 pounds.

Colorado sugars reached Kansas City at 25 cents, and Wichita and other points between at 32½ cents.

Commenting upon this fact, the Commission says:

But the dealers in Wichita find themselves confined to a narrow territory, not only because they are charged from the Colorado refineries rates higher than those charged Kansas City, but also because out of Wichita a class rate on sugar prevails higher than the commodity rate on this article out of Kansas City, the result being that Kansas City sugar meets Wichita sugar in competition within a comparatively few miles of the latter city.

Then on page 537 of another report I find this statement:

At the time of the filing of this complaint the proportional rate from Kansas City to Galveston upon all kinds of grain was 15 cents. The rate from Wichita was 28½ cents upon wheat and 26 cents upon corn, oats, rye, and barley.

The defendants—

The railroad companies—

admit the discrimination against Wichita and seek to justify it by competitive conditions at Kansas City which do not exist at the complainant town.

And further on, on page 545 of this report, I find the following:

Thus at the present time the rate from Wichita to Galveston is 30½ cents \* \* \* and from Kansas City to Galveston 17 cents.

Although the distance is longer from Kansas City to Galveston than from Wichita to Galveston.

On page 562 of still another report appears this statement:

An examination of these rates and distances shows that Wichita is still farther from the Pittsburg district than Kansas City, while the rate—

This is on coal—

is 80 cents to Kansas City, as compared with \$1.50 to Wichita; that Wichita and Kansas City are substantially equidistant from the McAlester district, while Kansas City enjoys a rate of \$2 per ton as against \$2.60 to Wichita; that from Russellville the distance is distinctively shorter than to Kansas City, while the rate is one-third higher.

On page 573 of still another report I find these facts set forth in discussing the rates on lumber:

From Camden, Ark., to Kansas City, a distance of 642 miles, the rate is 23 cents; to Wichita, a distance of 607 miles, nearly 40 miles less, the rate is 28½ cents, or 5½ cents per hundred greater.

The distance from Camden, Ark., to Topeka is 637 miles, and the rate is 26 cents, while the distance to Kansas City is 642 miles and the rate 23 cents.

It will be noticed here that the rate to Topeka is 2½ cents less than the rate to Wichita, although the distance is nearly 200 miles greater and competitive conditions are practically the same.

Mr. JAMES. Will the gentleman yield for a question?

Mr. SCOTT. Not now. Let me finish the reading of this. Commenting upon the fact just stated, the Commission say:

Topeka is, in all cases, more distant than Wichita, and Omaha and Lincoln are over 200 miles farther from the points of origin than Kansas City. Nevertheless the rate to Wichita exceeds that to Kansas City and Omaha by 5½, to Lincoln by 4½, and to Topeka by 2½ cents.

Now I yield to the gentleman from Kentucky.

Mr. JAMES. What position did the Republican party of Kansas take in the last State convention upon the regulation of railroad rates?

Mr. SCOTT. If the gentleman will pardon me, I prefer not to introduce partisan politics into this discussion. It seems to me this is too important a question to the people of this country to justify us in dividing upon it along partisan lines.

Mr. JAMES. I certainly agree with the gentleman, and do not want to put a political phase upon this discussion. I merely wanted you to enlighten us as to the attitude of the Republican party in Kansas, and then to follow that up by enlightening us as to the position that the Republican party took upon this vital question, as you proclaim it to be, and as I agree it is, in the last national platform.

Mr. SCOTT. I must repeat that I decline to be drawn into a political discussion while submitting observations upon this question. I think I know the sentiment of Kansas on this rate question, and the gentleman probably knows what the sentiment of that State is politically. I am willing to let it rest at that.

Instances of discrimination such as those I have brought to your attention could be multiplied almost indefinitely, Mr. Chairman, because complaints of a similar nature have come from nearly every town in Kansas, and I presume that complaints of a like nature have come from nearly every State in the Union; but the cases that I have brought to your attention are enough to illustrate and to confirm the charge of unfair discrimination against points in Kansas as compared with Kansas City and other Missouri River points.

I know it is urged that competitive conditions, as stated in the report which I read a moment ago, are so different at Kansas City as to warrant a difference in rates. To my mind that argument suggests this proposition: Either the Kansas City rates are remunerative or they are not. If they are remunerative, if they pay a fair dividend upon the investment in addition to operating expenses, then the Kansas rates, which are very much higher, are certainly extortionate and unfair. If, on the other hand, the Kansas City rates are not remunerative, if they pay no profit or absolutely inflict a loss upon the stockholders of the railroads, then the Kansas shippers are being required to pay unreasonably high rates in order that their competitors at Kansas City may obtain unreasonably low rates; and I can not conceive of an argument which would justify that situation.

Now, the people of Kansas do not presume to say whether the rates which they are charged are too high or whether the rates which Kansas City pays are too low. They only point to the undeniable fact that they pay a higher rate than is charged their competitors, and they insist that this is not fair.

Mr. WILLIAMS of Mississippi. In this connection, for the purpose of reinforcing and strengthening the gentleman's argument, I would ask is the gentleman aware of the fact that several great trunk lines have entered into an agreement whereby they haul the same goods from the same starting point to the same landing point, over the same road, and charge 33½ per cent less when these goods are intended for exportation than when they are intended for sale in New York City?

Mr. SCOTT. I appreciate the suggestion the gentleman has made, and which, if his information is correct, as it doubtless is, would seem materially to strengthen the argument I am trying to bring forward. The people of Kansas are perfectly willing that the railroads should earn good dividends for their stockholders, but they insist that they should not be required to pay more than their share of these dividends. They do not ask for more than a square deal, but they insist that they ought not to be compelled to take less than a square deal.

As I said in the beginning, the people of Kansas are not only unanimous in their belief that they are being discriminated against, but they are also unanimous in their opinion as to the proper remedy to be applied to furnish them relief. The President of the United States has set out that remedy as clearly and emphatically as it has ever been stated in the mes-

sage which he addressed to the Congress of the United States at the beginning of the present session. He said:

Above all else, we must strive to keep the highways of commerce open to all on equal terms. \* \* \* For some time after the enactment of the act to regulate commerce it remained a mooted question whether that act conferred upon the Interstate Commerce Commission the power, after it had found a challenged rate to be unreasonable, to declare what thereafter should, *prima facie*, be the reasonable maximum rate for the transportation in dispute. The Supreme Court finally resolved that question in the negative, so that as the law now stands the Commission simply possess the bare power to denounce a particular rate as unreasonable. While I am of the opinion that at present it would be undesirable, if it were not impracticable, finally to clothe the Commission with general authority to fix railroad rates, I do believe that, as a fair security to shippers, the Commission should be vested with the power, where a given rate has been challenged and after full hearing found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place, the ruling of the Commission to take effect immediately, and to obtain unless and until it is reversed by the court of review. The Government must in increasing degree supervise and regulate the workings of the railways engaged in interstate commerce; and such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other.

If this opinion stood alone, Mr. Chairman, it would be entitled to very great weight because of the wisdom and grasp of public affairs, as well as because of the exalted station and great responsibility of the man who uttered it. But it does not stand alone; it is but a new and forceful statement of a view that has been held and expressed by substantially every impartial student of the transportation problem during the past twenty years.

As the President has said, when the present interstate-commerce law was enacted it was understood by its opponents, as well as by its supporters, that it conferred upon the Commission a power to denounce an unjust rate and to fix a proper rate and make that judgment effective. When it ceased to exercise that power by reason of the decision of the Supreme Court rendered in 1897, it practically ceased, Mr. Chairman, to be of service to the people of the United States.

Again and again it has declared certain rates unreasonable, as in the decisions I quoted a few moments ago, but having no power to fix the rate and enforce it, the railroads have naturally done as they pleased, with the result that discontent among the shippers has grown more and more pronounced until a sentiment has been aroused, not in Kansas only, but throughout the country, in support of the position taken by the President, which is more emphatic and more pronounced than public sentiment has been on any other question since I have had the honor to be a Member of this body. I have before me a pamphlet containing a list of the commercial, mercantile, manufacturing, and agricultural associations represented in the interstate-commerce law convention which was held in St. Louis November 20, 1900, and October, 1904. It is a pamphlet of twenty pages crowded with names, among which are 62 national and sectional organizations and 401 State and local organizations, representing forty-four of the States and Territories of this Union. In addition there are seventeen State granges, while the statement is made that resolutions in support of this proposed legislation have been adopted by the State legislatures of the Commonwealths of Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, South Dakota, and Wisconsin.

Mr. BELL of California. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from California?

Mr. SCOTT. Yes.

Mr. BELL of California. In this connection I would like to have the gentleman's idea as to why there has been eight years' delay in enacting this very necessary legislation that is universally demanded.

Mr. SCOTT. I wish to remind the gentleman from California of the remark I made a moment ago in answer to the gentleman from Kentucky, that I must decline to be drawn into a political discussion in connection with this matter.

Mr. BELL of California. I disclaim any intention to draw the gentleman into a political discussion.

Mr. SCOTT. I will depart far enough, however, from that resolution to make this suggestion, and that is that the sentiment of which the gentleman speaks, and which I have tried to bring forward, has been a matter of slow growth. In my own State it is only recently that the situation has become acute, and I assume that the conditions in my State are substantially the same as those that exist in other States of the Union.

Mr. BELL of California. Mr. Chairman, let me ask the gentleman this question: The situation was sufficiently acute in 1887, when the Interstate Commerce Commission was created, to induce Congress to attempt, as everyone thought, to give

that great power to the Commission. Now, does the gentleman undertake to say that after ten years of operation under that supposed power, the Supreme Court having declared the Commission had no such power, in 1897 there was no sentiment upon this subject?

Mr. SCOTT. Mr. Chairman, I am not saying there was no sentiment on the subject in 1897, but I would like to remind the gentleman of this fact, that the sentiment which was crystallized in 1887 in the enactment of the present interstate-commerce law was satisfied by the passage of that measure.

Mr. BELL of California. Yes.

Mr. SCOTT. And the gentleman must recognize also that any legislation along these lines must be largely experimental in its nature. It is a new question, and we can not tell in the beginning what the result of any legislation will be. The Congress of the United States in 1887 no doubt exercised its utmost wisdom in the framing and enactment of the bill which bears date of that year. It was tried for ten years, with the understanding that the Commission had the power to fix the rates. It was only when the Supreme Court declared that it did not have that power that agitation began over the country for new legislation to give that Commission increased power.

Mr. BELL of California. Mr. Chairman, let me ask the gentleman this question: Is it not true that just as soon as the Supreme Court of the United States, on May 26, 1897, declared that the Commission did not have the power to substitute a rate in the place of a rate that had been condemned as unreasonable the Interstate Commerce Commission at once applied to the Committee on Interstate and Foreign Commerce of both branches of this Congress for the necessary relief, and for eight years have been knocking and harping at the doors of those committees for the purpose of having this legislation supplied? Is not that true?

Mr. SCOTT. What the gentleman says is undoubtedly true, but the gentleman must remember—and I will come to that later on in my remarks—that this is a tremendously difficult question. The great Committee on Interstate and Foreign Commerce of this House has been giving it consideration for years. That committee has had elaborate and protracted hearings, and it is only after it has studied the question during all this time that it has felt warranted in bringing a measure before this House. The gentleman can not properly criticize any political party that fails to solve offhand a problem that may well tax the statesmanship of the wisest through a long period of years. [Applause on the Republican side.]

Mr. BELL of California. If the gentleman will permit, I disclaim any intention to make this a political discussion. I am interested in this matter. I hope to have something to say upon the subject, and no one more than I desires to keep the subject free from politics. I want, as a matter of information, to know what force, if any, has been at work to retard and obstruct and hold back legislation that has been conceded to be of the utmost importance and necessity for the last eight years?

Mr. SCOTT. The gentleman will pardon me if I misapprehended him and put a political construction upon his interrogatories, because, failing that, I confess I could not see the point that he has in asking the questions which he has directed toward me. So far as I can see they throw no light whatever upon the measure that is soon to come before this House, and point out no way in which we can perform the duty that we are to set ourselves to do.

Mr. BELL of California. If the gentleman will pardon me a moment, what I desire to know is, Are these evils of recent growth? That was the only purpose of my question.

Mr. SCOTT. Whether they are of recent growth or of longer growth can have no weight, it seems to me, when we are trying to consider the remedy that shall be applied to afford relief.

Mr. BELL of California. Then the gentleman thinks that the length of an evil, the time or period of abuse, is a negligible quantity in the discussion of a remedy?

Mr. SCOTT. It is, in the discussion of a remedy. I have attempted to bring before this committee the universality of the complaints that are made on this score for the purpose of pointing out the urgent need of relief. I have brought these matters before the committee to show that there is a demand throughout the country for this legislation, and to explain my own interest in it; and I want to say that, in the face of this universal and widespread sentiment which we all know exists on this question, it is idle to argue that the people have no grievance, and it is equally idle to say that no additional legislation is needed.

Mr. RICHARDSON of Alabama. If the gentleman will just allow me, I agree with you in the presentation of the complaint of the people of your State, but I desire to ask you this question: Is it not a fair and legitimate construction to give



the language which you just read from the President of the United States, that he means, in order to give the people the remedy that they desire and demand, that a rate when once put in force by the Interstate Commerce Commission shall remain operative and in force until it is declared to be an error by the final judgment of a Federal court?

Mr. SCOTT. The gentleman from Alabama, a distinguished lawyer, is fully as able as I am to construe the language of the President.

Mr. RICHARDSON of Alabama. Well, I want to get your opinion about that language. I ask it with great deference.

Mr. SCOTT. If the gentleman will do me the honor to listen to the remainder of what I have to say he will ascertain my opinion on that branch of the subject.

Mr. RICHARDSON of Alabama. You know it is a legislative act?

Mr. SCOTT. Certainly.

Mr. RICHARDSON of Alabama. The act of the Commission fixing a rate is a legislative act. Now, does not the President mean that will remain in operation in order to give the people the relief the people ask until it is declared to be an error on final judgment of a Federal court?

Mr. SCOTT. I will say frankly it seems to me the construction the gentleman puts upon the President's message is a fair and reasonable construction.

Mr. RICHARDSON of Alabama. It is a fair question.

Mr. SCOTT. I have been simply endeavoring to bring to the attention of the members of this committee, let me repeat, the extent and emphasis of the sentiment upon this question. The men who are carrying on the farms, the stock raising, and the commerce of the United States are honest, and they are self-reliant. They would not complain without cause, and they would not come to Congress for redress if a remedy were already within their hands.

It is a very real grievance which arouses such widespread protest, and the impotence of existing law has been too often and too expensively and too exasperatingly demonstrated to admit of further discussion. The only question, in my judgment, now open to argument is the precise nature of the new legislation which will be required to redress admitted evils. Touching this point, the commercial interests of the country, as I have already stated, are substantially a unit in the belief that the only way to insure just, reasonable, and fair treatment to all localities and all persons is to extend the powers of the Interstate Commerce Commission, to vest in some impartial tribunal the power to pass judgment upon any rate which is asked, and to make that judgment effective. It is interesting and gratifying to know that this opinion is shared by some of the most astute and farsighted railroad managers in the country. Mr. Charles S. Mellen, president of the New York, New Haven and Hartford Railroad Company, is quoted in a recent interview as follows:

There is strong public sentiment favorable to legislation for Government control of railroad rates. The railroads have themselves to blame for the existing conditions. Rebates and discriminating rates are evils which will have to be stopped. I think they are condemned by all sensible railroad men.

I believe legislation is inevitable because the railroads are very far from agreement among themselves, and there have been abuses which the public is resolved shall not exist longer. That means some additional form of control to that which now exists.

Mr. E. B. Stickney, president of the Chicago and Great Western Railroad Company, is also among those who do not object to Government regulation of railroad rates, and a few days ago he made this statement:

There is plenty of law, no doubt, in the interstate-commerce act, but the Interstate Commerce Commission itself lacks potency. The net results of the law have been beneficial. It ought to be strengthened in several ways, however, and the Commission given more money to make it really efficient.

Still other railroad men could be quoted to the same effect, but the most suggestive and most significant utterance of any comes from the distinguished Secretary of the Navy, the Hon. Paul Morton. Mr. Morton, as is well known to all of us here, was for many years himself connected with one of the greatest, and I might add one of the most wisely and liberally managed railroad systems in the United States. In a recent interview he is quoted as follows:

As a railroad man I have for years preached to the railroad managers the doctrine of consideration of the rights of the people. I have told them that they should stop any attempts to manipulate politics and legislation, and should not oppose reasonable efforts at reforms and rational Government supervision.

Some railroad men of my acquaintance think an attempt to introduce Government supervision of rates is a mischievous and meddling impertinence. They resent it, and announce their intention to fight the movement to the last ditch. But that is absurd in this day and generation. These men are behind the times. In many States boards of railroad commissioners fix the rates and the roads comply with their decrees. It is simply ridiculous to assert that the Federal Government

has not the power to do with interstate commerce what the States may do with traffic within their borders.

#### NO OCCASION FOR ALARM.

There is no occasion for any frenzied finance in Wall street or elsewhere over the recommendations which the President made in his message. There is no reason why the great financiers of New York who stand behind the big railway corporations should become alarmed. They ought to thank their lucky stars that we have in the White House a President who insists that they shall have fair play; that there shall be a square deal all around.

The President does not wish to work any injustice to the railroad industry. He is not engaged in a hue and cry against corporations. But he is right, eternally right, in his declaration that reforms of method are needed, and they are needed as much by the railroads themselves as by the people. My experience has shown me that the most harm done to the railroads in this country is done by themselves.

As a railroad man, I say at this critical moment the progressive railway managers of the country should join hands with the President and his advisers and the able and patriotic men who are the leaders of the two Houses of Congress in an effort to reach a compromise that will fix upon something approximating a scientific basis the operations of the wonderful system of railways which we have in the United States, and reduce to the lowest possible minimum the friction that arises in the relations between our great common carrier system and the public.

Government supervision of rate making in the interest of fair play to both railroad and shipper is bound to come, and the far-sighted and progressive railway manager is he who recognizes the inevitable and joins hands with those who are working for reform and tries to secure an arrangement that shall be mutually satisfactory.

I commend those significant, those pertinent and sensible utterances to the class of railway managers, now happily diminishing, I am glad to believe, whose motto is or has been, "The public be damned."

I am entirely conversant, Mr. Chairman, with the objections that are urged against this proposed legislation. It is said that to make up a traffic sheet for all the railroads of the country is a highly specialized work upon which a large number of trained experts are constantly engaged. And it is objected that to intrust this power to men not specially trained would be to invite chaos, which would be equally disastrous to the shippers and to the railroads. This objection would be conclusive in my judgment if it were proposed to vest in any commission the power to initiate rates, to begin de novo and establish rates on all the railroads of the country. But so far as I know such a proposition is nowhere made. The various measures now pending in this body look to nothing more than to place the power of supervising rates already established by the railroad experts in the hands of a disinterested body of men whose duty will be to determine whether a rate is reasonable or not. The questions to be determined will be questions of fact purely. And it does not seem unreasonable to believe that a body of honest and able men will be able to reach a just determination, even if they are not trained experts.

Mr. WILLIAMS of Mississippi. I know that the gentleman from Kansas [Mr. SCOTT] did not intend it, but an utterance which he made a moment ago I am satisfied will lead to a misapprehension. He said that the purpose of all these bills is merely to give a supervisory power, the power to determine whether a given rate is reasonable or not. He is mistaken in that. All the bills go one step further. The Commission has that power now. But the bills give to the Commission the power to substitute a reasonable and nondiscriminating rate when a rate has been declared unreasonable.

Mr. SCOTT. Certainly. If anything I said warranted the suggestion that I misapprehended that feature of these bills, I am glad the gentleman from Mississippi [Mr. WILLIAMS] corrected me. I think we all understand that in addition to the supervisory power which these bills seek to give the Commission is the power also to put into effect the rate which it declares to be just.

It is further asserted, by way of objection, that even the revision of rates is too vast a power to be intrusted to any body of ten men, or seven men, or five men; that it might be exercised to pull down one community and build up another or to benefit one interest at the expense of another. Well, if there had never been any juggling of freight rates in this country, if traffic managers, unhampered by official supervision of any kind, have never used their powers to pull down one community and build up another, or advance one interest at the expense of another, we might well hesitate to make it possible for a Government commission to do these things. But when nearly every State can furnish examples of discrimination in favor of one town and against another, and when it is remembered that the most gigantic, the most unscrupulous and harmful commercial organization known to human history owes its power, if not its very existence, to the meanest, the most shameless, corrupt, and lawless favoritism on the part of the railroads, the people may be excused if they conclude to take the chances that may be involved in transferring this power to another body.

Every day the people of this country trust not only their property interests, but their liberty and their lives, to the judg-

ment and conscience of the courts of the land. Why should they not trust the comparatively little interests that may be involved in a dispute about freight rates to a commission whose judgment and conscience must be passed upon by the President and Senate of the United States?

And why should not the railroads themselves trust such a commission? If their rates are just and reasonable they will not be changed; if they are unjust and unreasonable they ought to be changed, and railroad managers who are endeavoring to treat the public fairly ought to be not only willing but glad to make the change. The Commission will have no purpose and no possible motive to do anything but absolute and impartial justice, and the interest of railroads and of shippers alike ought to be, and I believe will be, as safe in their hands as are the rights of any citizen in the hands of the Supreme Court of the United States.

I recognize fully, Mr. Chairman, the tremendous difficulty attending a solution of this great problem. When we consider the vast territory which our railroads traverse, in some parts densely populated, in other portions little more than an empty waste; when we remember the almost unlimited number of factors that must be taken into consideration in fixing freight-rate schedules, the wonder is, perhaps, that there are so few inequalities and inequities rather than that there are so many.

When we remember, also, that in spite of the handicap of higher wages, of higher prices for everything that goes to their equipment and operation, and in spite of the drawback of long stretches of sparsely settled country the railroads of the United States have been so carefully managed that the average freight charges in this country are said to be one-third of what they are in France and but one-half of what they are in England, we must acknowledge that our debt to these great enterprises, which are the very arteries of our country's commerce, is not small.

Mr. BELL of California. Will the gentleman permit me to ask him a question there?

Mr. SCOTT. In a moment. To establish by law supervision over the management of these great enterprises which shall not infringe upon their just rights, but at the same time shall safeguard the rights of the people, is, I repeat, a tremendously difficult problem to solve.

Now I will yield to the gentleman from California.

Mr. BELL of California. Before the gentleman leaves the subject of the power of the Commission to fix reasonable rates, I would like to ask him if he has come to any conclusion himself that would be a finality as to the power of the Commission to fix a reasonable rate for the one that is denounced?

Mr. SCOTT. I will say to the gentleman that I think the bill to which I propose to refer in a moment meets with my approval, at least in a general way, and in discussing that I will probably answer the gentleman's question.

Mr. BELL of California. You refer to the Hepburn bill?

Mr. SCOTT. The Hepburn bill.

Mr. BELL of California. All right.

Mr. SCOTT. The American people, Mr. Chairman, have not been accustomed to shrink from a task because it is hard, and we, to whom they have delegated their power, would not fitly represent them if we failed to undertake that which they want done.

And we will not fail. There is now upon our Calendar, among other measures, a bill brought here by the distinguished chairman of the great Committee on Interstate and Foreign Commerce, a measure which will soon receive our consideration, and which, in my judgment, with some amendments, will be a long step in the direction of a wise solution of the problem which confronts us. This measure provides for a commission which shall be composed of seven men, to be appointed by the President of the United States and confirmed by the Senate, who shall hold their offices for a term of ten years and shall receive a salary of \$10,000 annually.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman in that connection, does he approve of the feature of the bill to which he has just referred, in so far as it abolishes the present Commissioners while creating a new commission with the same duty? Does the gentleman know anything that justifies the punishment of the present members of the Interstate Commerce Commission by legislating them out of existence? Are they corrupt or incompetent? Have they been unfaithful? What motive exists to legislate them out of office? Does he not think it would be well to add to the present Commission, if it is thought better that it should consist of seven members, and to increase their salaries if an increase be advisable, rather than organize a brand-new commission? Does he justify abolishing the Commission now serving?

Mr. SCOTT. Mr. Chairman, if I understand the gentleman's

question, I will answer it by saying that I do approve of the proposal to have a commission constituted of seven rather than of five members. As I understand it, this measure does not put it beyond the power of the President to reappoint the present Commission if he desires to do so. It simply leaves him with a free hand. It does not compel him to appoint them. It gives him an opportunity to seek for the very best material he can find in the whole country to fill these responsible places.

Mr. WILLIAMS of Mississippi. Right there, if the gentleman will accord me a moment—

Mr. SCOTT. I shall be glad to yield.

Mr. WILLIAMS of Mississippi. That bill in so many words "abolishes the present Commission." If it were not the intent of that bill to abolish the present Commissioners, and to convey to the President the Congressional word that they should not be reappointed, it would not use that language, but would increase the number of the present Commission by two, would change their terms of office, and would increase their salaries. Now, upon what theory can the gentleman account for the fact that the bill abolishes the present Commissioners, and then immediately reinaugurates a commission exactly like it except that it contains two more members with different salaries?

Mr. SCOTT. It seems to me to be entirely clear. If the bill had contained a provision merely increasing the present Commission by two, the implication inevitably would have been that the President was thereby commanded to appoint simply two additional commissioners, and that the other five must be allowed to hold their positions, whether the President regarded them as the most fit men for those places or not.

Mr. WILLIAMS of Mississippi. The gentleman will remember that the present President has himself reappointed four of these men.

Mr. SCOTT. I understand that perfectly, but it seems to me that the only reasonable construction to be put upon this measure is simply that it wishes to untie the hands of the President and give him absolute freedom to seek throughout this whole country the very best possible material for these extremely responsible positions.

Mr. RICHARDSON of Alabama. Will the gentleman allow me to interrupt him just there?

Mr. SCOTT. Yes.

Mr. RICHARDSON of Alabama. Do you not think that the objection that is being urged now to the continuation of the present Interstate Commerce Commissioners arises from the fact that they have antagonized very great commercial interests in this country, which for that reason want them removed?

Mr. SCOTT. Mr. Chairman, I do not like to go into a discussion of the motives that may influence people.

Mr. RICHARDSON of Alabama. Have they not been faithful servants under the eye of the President, who had a right to remove them? Are they not men of experience and have they not studied the question? Now, you propose to choose seven new men.

Mr. SCOTT. Not necessarily. There certainly is nothing in this bill that will prevent the President from reappointing these five men as that many members of the new commission, if he desires to do so.

Mr. RICHARDSON of Alabama. What is the necessity of abolishing them?

Mr. SCOTT. The necessity of abolishing the Commission is simply to give the President a free hand, so that he may make up the new Commission exactly as he likes.

Mr. RICHARDSON of Alabama. He has already reappointed four of them. Why does he want to have another chance?

Mr. SCOTT. It is not to be presumed that he would turn them out immediately. He certainly is left free by this bill to reappoint them if he desires to do so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. This discussion is very interesting to the House, and I ask unanimous consent that the gentleman's time may be extended until he concludes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from Kansas have permission to conclude his remarks. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, in a part of that time I want to ask the gentleman these two questions in one: Is it not true that under the present law the present Interstate Commission is made a nonpartisan or bipartisan body, and is there anything in this new Interstate Commerce Commission proposed in the Hepburn bill which keeps it nonpartisan or bipartisan?

Mr. SCOTT. The gentleman doubtless states the fact as to the old law, and the construction which he puts upon the proposed bill is probably a reasonable construction. But I must



say that the record of the present occupant of the Executive office in the matter of the appointment of men who are to exercise unusually important functions has been such that, for my own part, I should have no hesitation in leaving the matter wholly with his discretion.

Mr. WILLIAMS of Mississippi. Even if you are going to create a new commission, why not bring forward the old law so far as it went to make this commission non-partisan? Even if you have the utmost confidence in the present occupant of the Presidential chair, is it not within the possible range of human conception that some other incumbent of that chair at some other time might not possess my confidence or yours or that of the country with regard to his actions as a partisan?

Mr. SCOTT. I will say frankly that I see no particular objection, indeed no objection, to the suggestion the gentleman has made. As I said in the beginning, it is likely that before this bill comes up for passage it will be amended in several of its details, and so far as I am concerned, I should be disposed to support an amendment to bring about the change which the gentleman from Mississippi suggests.

I was proceeding, Mr. Chairman, to briefly summarize the measure which will soon be before us for discussion.

Mr. RICHARDSON of Alabama. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Alabama?

Mr. SCOTT. Yes.

Mr. RICHARDSON of Alabama. I do not wish to appear troublesome, but I would like to ask the gentleman what, in his opinion, would be the effect of this proposition, that there are large records of cases now pending before the Interstate Commerce Commission, some of them involving thousands and thousands of pages—I recollect one of 20,000 pages—which they have been considering for as long as two years, and perhaps longer. Now, if this Commission is abolished and that record goes to a new court, would it not tend to very largely create delay?

Mr. SCOTT. The gentleman from Alabama is assuming a proposition which I do not admit, and that is that because in terms this measure abolishes the Commission, therefore none of the members of the present Commission will be reappointed.

Mr. RICHARDSON of Alabama. And the gentleman is assuming the contrary, that they will be reappointed. I am taking the bill as it is.

Mr. SCOTT. I am not assuming it. I am banking absolutely on the good sense and discretion of the President of the United States. If the interests involved are of such a character as the gentleman suggests and if great injustice will be done by turning the records over to an entirely new commission, I have no doubt that the President of the United States would take that fact into consideration in making up the personnel of the new commission.

Mr. RICHARDSON of Alabama. Is it not true that more complaints as to the enforcement of the law under the present act for regulating commerce have come from the delay that attended it? Is not that the cause of the most of the complaints?

Mr. SCOTT. No; my impression is that the cause of the most of the complaints was that the Interstate Commerce Commission had no power to enforce a rate that it might decree.

Mr. RICHARDSON of Alabama. I understand that, but I believe the gentleman agreed with me that the best way is to give the Commission the power to fix the rate and let it remain the rate until the final judgment of the Federal court declares it to be error.

Mr. SCOTT. Concerning the other complaint which the gentleman from Alabama very justly alludes to, the complaint of delay in securing judgment under the present law, I was going on to say that the provisions made for speedy trial in the bill I am now discussing seem to me to be about as perfect as can be suggested.

Mr. RICHARDSON of Alabama. In that bill?

Mr. SCOTT. In this bill.

Mr. RICHARDSON of Alabama. But as I understood the gentleman a few moments ago, he said that the supposition was that for ten years of the first existence of the act regulating commerce the Commissioners themselves and many able lawyers throughout the country believed that the Commission had the power to fix the rates. Did not the gentleman say that?

Mr. SCOTT. I believe I made that statement.

Mr. RICHARDSON of Alabama. I understood the gentleman to say that.

Mr. SCOTT. I did say so.

Mr. RICHARDSON of Alabama. Was there an intermediate commerce court at that time? Was not the judiciary of this country organized as it now is, and were not all the provisions

for appeal made to the court as they are now? What do you say to that?

Mr. SCOTT. I will say that I have not read the act of 1887 recently. My recollection is that its decrees during the time when it was supposed to hold the power to fix rates were reviewable by the Supreme Court of the United States, and that being the case, it is natural that there should be delay, because we know that these questions can not be readily reached in that great court.

But it seems to me the provision made in this measure, providing for a review of the judgment of the Interstate Commerce Commission by a court especially constituted for that purpose, will insure a speedy trial and a very early review of all cases.

Now, as I was saying, Mr. Chairman, in a brief summary of this measure, it provides that a commission, the character of which I have previously indicated, shall have the power, after full hearing, to make any finding declaring any existing rate for the transportation of persons or property, or any regulation whatsoever affecting said rate, to be unreasonable or unjustly discriminatory, the Commission shall have power, and it shall be its duty, to declare and order what shall be a just and reasonable rate, practice, or regulation to be charged, imposed, or followed in the future in place of that found to be unreasonable or unjustly discriminatory, and the order of the Commission shall of its own force take effect and become operative sixty days after notice thereof has been given to the common carrier or carriers affected thereby; but any common carrier affected by the order of the Commission, and deeming it to be contrary to law, may institute proceedings in the court of commerce of the United States, sitting as a court of equity, to have such order reviewed and its reasonableness and lawfulness inquired into and determined.

Mr. GILBERT. Is not that sixty days an extravagant length of time? Take, for instance, the wheat crop out in Kansas. If the Commission should fix a rate, find a certain rate to be extravagant, investigate the subject, and reduce the rate, that reduction would take effect sixty days after the adjudication, and within that time the entire Kansas wheat crop would be shipped to market and sold. Does not the gentleman think that it should be shorter?

Mr. SCOTT. I am inclined to agree with the gentleman, and this is one of the points I had in my mind when I suggested that some changes would need to be made in the bill in order to have it meet with my entire approval.

Mr. BELL of California. Mr. Chairman, I would like to have the gentleman from Kansas now state to the committee under the terms of this paragraph that he has just read what degree of finality the order of the Commission will possess fixing the rates that shall rule in the future?

Mr. SCOTT. My understanding is that the action of the Commission is reviewable by the court of commerce and that the finality will be determined by that court.

Mr. BELL of California. In what sense reviewable? May this interstate-commerce court revise the rate? Will the gentleman take a concrete case, assume a case, a hypothetical case now, to illustrate what degree of finality the order of the Commission will possess under this paragraph?

Mr. SCOTT. Mr. Chairman, on the spur of the moment I would not be able to make a concrete illustration, because I confess that I have not given this bill the careful study that I should expect to give it if it were immediately before us.

Mr. BELL of California. I understand the gentleman is in favor of this bill in toto?

Mr. SCOTT. No; the gentleman misunderstood me. I have expressly declared that there were details that I thought should probably be changed.

Mr. BELL of California. Now, taking the gentleman's personal views on the subject, irrespective of the terms of this bill, does the gentleman propose to create a court, a new tribunal, and give that court the power to revise a reasonable rate that may be declared by the Commission, or to try the case de novo, to take testimony and hear it as though it came before that court of review in the first instance?

Mr. SCOTT. Well, Mr. Chairman, one of the regrets of my life is that I am not learned in the law. I am hardly familiar with its vocabulary, much less skilled in its dialectics, and I would not presume to debate with the gentleman upon a question which seems to be one of very close legal procedure, and one upon which skilled lawyers might well differ.

Mr. BELL of California. And one upon which the whole constitutionality of the present bill the gentleman is discussing might ultimately depend?

Mr. SCOTT. I am perfectly willing, Mr. Chairman, to trust the wisdom of this House to determine the provisions of a bill that shall meet with the requirements of the Constitution.

Mr. BELL of California. Now, let me ask the gentleman a question. Is the gentleman in favor of creating, first, a commission to try the facts, as between a shipper and a railroad, an administrative and judicial board, you might say, and also possessing legislative power to fix the rate, and also vest the same power in another tribunal to be known as the "interstate-commerce court?"

Mr. SCOTT. It seems to me that the proper function of the commerce court is the function possessed by all courts of appeal, and I presume that analogy will be followed.

Mr. BELL of California. Then the gentleman will be willing to limit the jurisdiction of the court of commerce to the jurisdiction now possessed by the circuit court or the United States Supreme Court to pass upon the reasonableness or the lawfulness of the rate solely for the purpose of determining whether or not somebody was not being deprived of his property without due process of law and without just compensation? Would not the gentleman be willing to limit the jurisdiction to that?

Mr. SCOTT. On the spur of the moment I can not see any objection to it.

Mr. MANN. Mr. Chairman, if the gentleman will pardon me, the gentleman from Kansas [Mr. SCOTT] has stated that he was not learned in the law, and I certainly am not, but the gentleman from California [Mr. BELL] will remember, I suppose, that the Supreme Court has decided that it is not within the power of Congress to compel or permit the court to change or revise the rate for the future.

Mr. WILLIAMS of Mississippi. That is the exact point right there, if the gentleman will excuse me; that is precisely the point. The Supreme Court has decided that. Now, then, if this court of commerce be given the power to set aside, simply upon the ground that it is unreasonable, a rate fixed by the Interstate Commerce Commission, and if it have no constitutional power—and even Congress could not give it constitutional power—itself to declare a new rate, which is a correct statement of the law, then you have an act creating these two pieces of machinery resulting in the same impotency that the one piece of machinery now results in, to wit, with abundant power to declare rates off and no power in the last and higher tribunals to declare one on after it has declared it off.

Mr. SCOTT. It seems to me that the gentleman in making that declaration is assuming that the court of commerce would always reverse the Commission.

Mr. MANN. The gentleman is assuming the meaning of a term that has been well defined, but assuming it contrary to the definition, I fear.

Mr. WILLIAMS of Mississippi. What?

Mr. MANN. The gentleman from Mississippi, I think, is assuming that a certain definition means something which the courts have not given it; power to declare a rate unreasonable is for a specific extent only.

Mr. WILLIAMS of Mississippi. If the gentleman from Kansas will excuse me for a moment, I hope I am not taking up too much of his time?

Mr. SCOTT. No, indeed.

Mr. WILLIAMS of Mississippi. I am very glad the gentleman stated this should be a nonpartisan matter, and therefore I feel it is a matter we can talk over here in the fullest manner—

Mr. SCOTT. I always listen with a great deal of pleasure to the distinguished gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. It seems to me if you are going to establish a legislative and administrative body like the Interstate Commerce Commission, with power to supervise and revise and substitute rates, that the only relationship a judicial body, the court, ought to bear to that body should be the relation the courts bear to this body; and what is that? It is simply to declare whether the legislative or administrative body has acted beyond the scope of the powers granted to it by the law of its creation—in the case of the commission, Congress; and in the case of Congress, the Constitution—and in the second place, to declare whether the commission has acted in such a way as to violate the Constitution of the United States, every Federal court having in its own nature a constitutional mandate, no matter what Congress says or even if Congress says the contrary, to see that the fundamental law is not violated. Now, if that be the case, then the court ought not to be a judge of the reasonableness or unreasonableness of the rate, except in the legal acceptance of the term, at which the gentleman from Illinois was squinting—that is, whenever the "unreasonableness" is an unreasonableness to such an extent as to be confiscatory, in other words, is to take property without due process of law or without compensation, then of course the

court would have the inherent right of a court under our peculiar form of government to say that must not be done, and to declare that the action of the legislative body, whether Congress or the commission, was invalid and void.

So that it seems to me the only thing possible to do, the right thing to be done rather, would be not to give this court power to declare either the reasonableness or the unreasonableness of the rate arrived at by the action of this administrative body, but to declare upon its lawfulness, the word "lawfulness" containing two ideas; first, that it is unlawful to act ultra vires—beyond the scope of its powers—and, secondly, it is unlawful to violate the Constitution of the United States by making a rate so unreasonable as to be in its character confiscatory. If that be true, the gentleman can not support that part of the Hepburn bill.

Mr. SCOTT. I always listen, Mr. Chairman, with the utmost pleasure and generally with profit to the suggestions of the gentleman from Mississippi, and when this bill comes properly before us he will have opportunity, as other gentlemen will, to discuss it in detail.

Mr. WILLIAMS of Mississippi. I am very much afraid no opportunity will be given to amend, and that is one reason why I would like to have this acted upon as a nonpartisan question. I do hope when we come to consider this or any bill which the committee may report in the House we will not be choked and gagged by a rule cutting off all right to amendment, and I want the gentleman from Kansas and everybody on that side who wants substantial legislative results to stand up and see that it is not done this time. [Applause.]

Mr. SCOTT. The appeal of the gentleman from Mississippi is very touching indeed, and will no doubt receive the consideration it deserves.

I had no expectation, Mr. Chairman, of entering into a detailed discussion of this measure. I arose simply as "a voice crying in the wilderness," to bring before this House the sentiment of the people that I am endeavoring to represent here, and to express my belief that it is entirely competent for this Congress to enact legislation which will remedy the evils of which the people justly complain.

Mr. NORRIS. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. NORRIS. I would like to ask the gentleman's opinion of that part of the bill he is discussing which provides for the taking, on appeal, cases from this new commission to the new court, and from the new court to the Supreme Court, and the method that therein is provided by which the action of the Interstate Commerce Commission can be superseded by a bond; whether he thinks if it would not, in effect, leave the matter exactly where it is now, and that, by means of the delay taken by the appeal from these two courts, it would leave the Commission without any power to fix a rate that should be binding upon the railroad company?

Mr. SCOTT. Mr. Chairman, the question which the gentleman from Nebraska [Mr. NORRIS] addresses to me goes again to the matter of legal procedure, which, I must repeat, I do not feel myself competent to discuss.

Mr. NORRIS. The gentleman, I presume, is in favor of giving to the Interstate Commerce Commission this additional power to fix a rate that shall be binding, which seems to be the cause for most of the agitation and complaint.

Mr. SCOTT. I certainly am very much in favor of legislation which will reach that end.

Mr. NORRIS. But this bill provides for method of appeal—

Mr. SCOTT. Let me only say to the gentleman—

Mr. NORRIS. Which, it seems to me, if you will pardon me, practically nullifies the power that is given to the Commission in a prior section of the act.

Mr. SCOTT. I am unwilling to believe that a committee composed as the Committee on Interstate and Foreign Commerce of this House is composed, of very able lawyers, and of gentlemen whose integrity can not be questioned, would bring before this body a measure which defeated in its terms the very purpose it declared in its title.

I want to suggest to the gentleman also that in dealing with the enormous interests that are involved in a measure of this kind, I would consider it were wiser to err on the side of conservatism rather than on the side of radicalism. All of this legislation is, in a large measure, experimental. We are blazing a trail through a practically unknown country, and we can not expect to reach perfection at a single bound. We can not expect to enact a measure which shall be absolutely perfect from the beginning, and I should certainly prefer to "make haste slowly" and take the chances with the bill which we have before us.

Mr. RICHARDSON of Alabama. The gentleman from Kan-



sas [Mr. SCOTT] spoke a few moments ago about a certain matter, and I want to call his attention to something additional in connection therewith. There are two bonds to be provided for—one when you take the appeal from the commerce court, and when you take appeal from the commerce court to the Supreme Court. I would like to get the gentleman's views as to how those bonds are to be enforced, and how the shippers and the producers are going to get any benefit from the enforcement of those bonds for what they have lost by reason of the rate of the Commission not being in force at the time?

Mr. SCOTT. That is another matter of legal procedure and of judicial construction. I must beg to be excused from discussing it.

Mr. MANN. Notwithstanding the disclaimer of the gentleman from Kansas [Mr. SCOTT] of his knowledge of legal procedure, I suppose the gentleman must be aware of the fact that it is not within the power of Congress to fix rates in such a way as to take private property without compensation.

Mr. SCOTT. That is a matter of common knowledge.

Mr. MANN. And no matter if we should pass a bill providing the rates, and should say that Congress should not have any jurisdiction to entertain a bill to enjoin those rates, that Congress would still entertain a bill for an injunction, and if it is not within the power of Congress to prevent an appeal to the court when rates are fixed, and if the proceeding set forth in the bill to which the gentleman refers only fixes a certain method of appeal to the courts and endeavors to give more protection to the shippers through that method than the courts would exercise without regard to legislation by Congress and without the safeguards which we endeavor to place around appeals?

Mr. SCOTT. I appreciate the suggestion made by the gentleman from Illinois, and I repeat that my confidence in the wisdom and statesmanship of the gentlemen who have the duty of bringing this bill before us is such as to predispose me very strongly to its support.

Mr. WILLIAMS of Mississippi. This bill to which you have referred has never been reported from the committee.

Mr. SCOTT. I think I am not violating any confidence of the committee in saying it is the understanding that it meets its approval.

Mr. WILLIAMS of Mississippi. In that respect too I think the gentleman mistakes. My hope may be father to the thought.

Mr. LLOYD. Is it not true, I would ask the gentleman from Kansas, in view of the general nature of his speech, and its excellent character, that it would be unwise to commit himself to the details of any particular bill before knowing what that bill is?

Mr. SCOTT. "The gentleman from Kansas" has been endeavoring to refrain from committing himself to the details of this bill.

Mr. LLOYD. You have committed yourself specifically to the terms of the Hepburn bill, while there are numerous other bills upon the subject, and it is not known by anybody what bill will be reported.

Mr. MANN. The newspaper reports are that the gentleman from Missouri has committed himself.

Mr. LLOYD. I beg the gentleman's pardon.

Mr. RICHARDSON of Alabama. The newspaper reports are not correct.

Mr. WILLIAMS of Mississippi. Only committed to a principle.

Mr. RICHARDSON of Alabama. The matter has just been stated what it will be.

Mr. MANN. I know; I have seen it in print; and I supposed it was true.

Mr. RICHARDSON of Alabama. The gentleman heard that matter fully explained this morning.

Mr. SCOTT. Of course the gentleman from Illinois has no intention of dragging into public view the secrets of our friends on the other side of the aisle.

Mr. WILLIAMS of Mississippi. Will the gentleman excuse me just a moment. I feel ashamed for interrupting him so much; but since the gentleman from Illinois with his usual bonhomie has made that partisan thrust, it will perhaps be in order to say what the Democratic party is committed to, and what alone it is committed to.

It is committed to the provision or principles of the Davey bill, which received, without addition or subtraction, the recommendation of your own President in his own message; and it is committed to that by reason of the fact that both the Davey bill and the message contain these three vital principles: First, that the Commission shall have the power, when it declares a given rate to be unreasonable and discriminatory, to declare a reasonable undiscriminating rate; second, that rate so pre-

scribed shall go into operation, not "at once," as the President suggested, but very soon, viz, after twenty days' notice, and shall remain in operation until set aside by the final judgment of a court of competent review and appeal; third, that the court—any court taking jurisdiction—shall be purely one of review and appeal, and on hearing the appeal it shall not hear any facts except the facts that are given in the testimony sent up from the Interstate Commerce Commission—the testimony there delivered. That is what the Democratic party is committed to; that exactly, and nothing more; and it is committed to it not because it is in the President's message, though we were glad to have his message to help us in our work of helping the people, when it is a good thing for the people, but because his message is Democratic and sound American doctrine, and was so announced from this very place one year ago by me speaking for the Democracy on this side of this Chamber, and it should be the American doctrine.

I am glad to know that the President of the United States is more of an American than a Republican. When it comes to dealing with this particular matter we will toe mark his footmarks not because he is President, but because he is right, and we call upon you as American citizens to help us toe mark. [Applause.]

Mr. SCOTT. Mr. Chairman, I am delighted to know that the Democratic party has at last found a subject upon which it can get together. [Laughter on the Republican side.] And I particularly congratulate that organization upon the wisdom of its choice in the matter of a leader. It is vastly to its credit that it states here, through its acknowledged leader, its willingness to follow in the footsteps of the distinguished Republican who now honors the highest office in the land.

Mr. WILLIAMS of Mississippi. The gentleman misunderstands me. I do not welcome the President as a leader, but I welcome him most gladly to the membership of our own Democratic following. That is the point. [Applause on the Democratic side; laughter on the Republican side.] Whenever any Republican in the White House or outside toe marks Democratic policies, Democrats will toe mark his footsteps.

Mr. SCOTT. The gentleman may be proclaiming the policy of his party for the future, but he certainly can not be rehearsing the history of its past. It is a matter of most common knowledge that the policy of the Democratic party for many years has been to find out what the Republican party favored, and then take the other side. [Laughter.] I am glad to know that under the brilliant leadership of the gentleman from Mississippi it has fallen upon wiser counsel, and, I hope, upon better days.

Mr. WILLIAMS of Mississippi. Whenever you go our way we will go with you. [Laughter.]

Mr. SCOTT. That is exceedingly kind of the gentleman, but the Republican party has a habit of going its own way.

Mr. Chairman, I have occupied the floor much longer than I had expected, and with the permission of the committee, I will ask leave to extend my remarks, simply to include a summary of the Hepburn bill, which I started to make, but which I was prevented from completing by various friendly interruptions. [Applause.]

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

#### APPENDIX.

##### SUMMARY OF HEPBURN BILL.

That the tolls to be demanded and collected by common carriers subject to the act to regulate commerce for transportation described in section 1 thereof shall be just, fair, and reasonable; and whenever, upon complaint duly made under section 13 of the act to regulate commerce, the Interstate Commerce Commission shall, after full hearing, \* \* \*

Pending such review, if the court shall be of opinion that the order or requirement of the Commission is unreasonable or unlawful, it may suspend the same until the further order of the court, in which event the court shall require a bond of good and sufficient security, conditioned that the carrier or carriers petitioning for review shall answer all damages caused by the delay in the enforcement of the order of the Commission, which shall include compensation for whatever sums for transportation service any person or corporation shall be compelled to pay pending the review proceedings in excess of the sums such person or corporation would have been compelled to pay if the order of the Commission had not been suspended.

That the heretofore existing Interstate Commerce Commission is hereby abolished and there is hereby established a new Commission, also to be known as "the Interstate Commerce Commission," which shall be composed of seven Commissioners, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall each receive a yearly salary of \$10,000, payable in the same manner as the judges of the courts of the United States. The Commissioners first appointed under this act shall continue in office for the terms of four, five, six, seven, eight, nine, and ten years, respectively, from the 1st day of April, 1905, the term of each to be designated by the President; but their successors shall be appointed for terms of ten

years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he shall succeed.

That there is hereby established a court of record with full jurisdiction in law and equity, to be called the court of commerce, which shall be composed of five circuit judges of the United States, no two of whom shall be from the same circuit, and three of whom shall constitute a quorum.

That the court of commerce shall hold four regular sessions each year at the city of Washington, beginning upon the first Tuesday in March, June, September, and December, and a quorum of judges may appoint special sessions of the court to be held at other places in the United States when justice would thereby be promoted.

That the Chief Justice of the Supreme Court of the United States is hereby authorized, on the 1st day of January of each year, or as soon thereafter as practicable, to designate five circuit judges of the United States who shall constitute the court of commerce during the ensuing year and until their successors shall be designated.

That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, one additional circuit judge in each of the judicial districts of the United States, who shall receive the pay and the emoluments, exercise the authority and powers, and perform the duties now or hereafter required by law to be performed by judges of the circuit court of the United States.

Mr. LAMB. Mr. Chairman, I yield to the gentleman from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. Mr. Chairman, when the agricultural appropriation bill was before the House during the last session I attacked the existing system of distributing vegetable seeds. I attempted not to destroy, but to improve the system—to restore the purposes which prompted its creation. I directed attention to the fact that the system had degenerated into an indiscriminate distribution of standard seeds without regard to the distinctive character of the various soils throughout the country. The Secretary of Agriculture had similarly described the situation in his annual report.

The original object of the distribution was the development of the soil, the discovery of its adaptabilities. Manifestly it was a perversion of this object to send seeds suitable to a particular soil and climate into a section where different conditions obtained. For instance, the watermelon seed which went into my district last season produced watermelons so diminutive that they could be easily used for watch charms. [Laughter.] Evidently these seed were intended for a sterner clime.

It is unnecessary to say that I was unsuccessful in the seed crusade. Cassandra never had a more unsympathetic audience in foreshadowing the doom of Troy. I was a prophet without a people, an apostle without a following. It seems that the distribution of vegetable seeds is a permanent institution, an institution which it is sacrilege to question and madness to oppose. As long as the Republic lives Senators and Congressmen will, with the recurrent seasons, go forth to sow, encouraged by the hope that succeeding elections will bring in the sheaves, "some an hundredfold, some sixtyfold, some thirtyfold." [Laughter.] The custom has the highest authority, for in Genesis we find that Egypt cried to Joseph, "Give us seed, that we may live, and not die, that the land be not desolate." [Laughter and applause.]

Mr. LITTLE. Amen. [Laughter.]

Mr. SHEPPARD. I acknowledge that in the endeavor to reform this practice I have for the present failed. But, Mr. Chairman, the tragedies of history compose its most instructive chapters. The melancholy note that rises from the harp of time is proof that in the sum of men's activities failure overbalances success and grief counterpoises joy. For every Socrates there is the hemlock, for every Oedipus the Theban gate, for every Cæsar the ides of March, and for every seed reformer a unanimous opposition. [Laughter and applause.]

I know that the daughters of Pierus, who challenged the Muses to a war of song and thrilled Parnassus with contending melody, were stripped of human form and attribute. I know that Niobe, asserting for her children a loveliness outrivaling divinity, offended heaven and, witnessing the destruction of her offspring by the wrath divine, was changed to stone, and through all time remains a genius of woe, a patroness of tears. I know that Ixion boasted of the love of Hera and met a doom so horrible that the world still shudders at its memory.

I know that the fathers of mankind, speaking a universal language and flourishing beneath the especial favor of Jehovah, began the construction of a tower on which they hoped to stand the equals and companions of omnipotence, and that there fell upon them a confusion of tongues from which the race has not to-day recovered. I know that Pharaoh pursued departing Israel and entering the pathway God had severed through the sea found in the rejoining waters a prison and a grave.

I know that Godfrey; Raymond; Tancred; Robert, Duke of Normandy, and Hugh of Vermandois, and the other lights of chivalry and models of romance, led millions to the succor of the cross and, after centuries of unexampled valor and privation, left dead unnumbered from the Danube to the Nile and failed to drive the Moslem from the sepulcher of Christ. I

know that Rienzi, last of tribunes, rising from that humble tavern on the Tiber, gaining supremacy through the people's confidence, subduing the Orsinis and Colonnas, reestablished domestic tranquillity and foreign peace, and drifted into a tyranny more oppressive than that he had destroyed, to fall at the hands of the people he had liberated.

I know that Robespierre, the most sinister contradiction of history, an idealist and an assassin; at heart a disciple of universal peace, in practice an advocate of universal murder, pointing with one hand to the God of love and with the other to the guillotine, attempted to turn the course of revolution to his own advantage and perished amid the jeers of the convention that had feared and the populace that had adored him.

I know that Don Quixote charged the windmill on the plain of Aragon and encountered disaster as overwhelming as it was ludicrous. [Laughter.] I know that Sancho Panza, beneath whose mountainous proportions the faithful Dapple ambled into immortality, administered with credulous solemnity the fictitious government of Baratania and has become a favorite subject for the ridicule and the amusement of the world. [Laughter and applause.]

I know that all these sad adventures have left an impress on the life and thought of man and mark the possibilities of human daring and ambition. But, Mr. Chairman, not one of these celebrated and fateful enterprises exceeds in audacity or in hopelessness an attack on the distribution of vegetable seed in the American House of Representatives. [Continued laughter and applause.]

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CONNER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk announced that the Senate had insisted upon its amendments to the bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, disagreed to by the House of Representatives, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. WARREN, and Mr. DANIEL as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

H. J. Res. 206. Joint resolution to provide for the removal of snow and ice from the crosswalks and gutters of the District of Columbia;

H. J. Res. 164. Joint resolution for the printing of a compilation of the laws of the United States relating to the improvement of rivers and harbors;

H. R. 16790. An act making Norwalk, Conn., a subport of entry; and

H. R. 6375. An act for the relief of the executors of the estate of Henry Lee, deceased.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 16311. An act granting an increase of pension to Morris Del Dowane;

H. R. 7607. An act granting a pension to John W. Nye; and

H. R. 3950. An act for the relief of W. R. Akers, of Alliance, Nebr.

#### IMPEACHMENT OF JUDGE SWAYNE.

The SPEAKER pro tempore. Without objection, the House will receive a communication from the managers on the part of the House for the impeachment of Judge Swayne.

There was no objection.

Mr. PALMER. Mr. Speaker, I have the honor to report on behalf of the managers in the matter of the impeachment of Charles Swayne, district judge of the United States in and for the northern district of Florida, that the Senate has organized for the trial of the impeachment; that in the name of the House of Representatives and in behalf of all the people of the United States, the managers have demanded of the Senate that process be issued against Charles Swayne, judge as aforesaid, to answer to the articles hereinbefore exhibited against him at the bar of the Senate; and that the Senate has advised us that process will be issued against him in that behalf returnable on the 27th instant, at 1 o'clock p. m.

#### AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. CANDLER. Mr. Chairman, during the last session of Congress my distinguished friend from Texas [Mr. SHEPPARD]



who has just taken his seat made a point of order against the provision in the agricultural appropriation bill providing for the distribution of standard seeds. At that time I had the honor, as I conceived it, to stand for the people who desire the distribution of seed, and I congratulate him to-day as well as myself and the great representatives of those people who plant the seed in this country that he has come to the conclusion that it is not a good matter to pursue further for the present.

I congratulate him also that he has read the pages of history and investigated the failures of the past, and recounted to us in such a realistic and fascinating manner the circumstances under which so many of the heroes of ancient days have gone down in defeat when they attempted to stand in the way of a great popular demand for onward progress and material development, and I heartily commend him in taking counsel of these object lessons and coming to the wise and correct conclusion to not at present further oppose the distribution of standard seed, and felicitate him upon his chivalric and manly course in coming into the great House of Representatives of the United States of America and solemnly declaring that it is no longer proper or right to stand in the way of the demands of the people for what is for the best interests of this great and grand and glorious and wonderful country. [Applause and laughter.]

I am glad that not only has he investigated the pages of history which he has proclaimed to us with such beauty and with such eloquence, but I am delighted further to know that he has gone to that good old book—the Bible—from which he now quotes and to which he should have gone long ago, and to which I hope he will cling in the future, and has found written therein—he didn't tell you exactly where it was, but I will tell you that it is in the forty-seventh chapter of Genesis, nineteenth verse [laughter], and reads as follows: "Give us seed, that we may live, and not die, that the land be not desolate." [Loud applause.] If he had gone a little further in his investigation of that good book which tells us about all the good things not only in this world, but the graciousness and beauty and grandeur and glory of the things which are beyond, he would have found further encouragement in that divine volume for this distribution which we have been giving to the people. In the book of Zechariah, eighth chapter and twelfth verse, it is also written: "For the seed shall be prosperous; the vine shall give her fruit, and the ground shall give her increase, and the heavens shall give their dew; and I will cause the remnant of this people to possess all these things." [Applause.]

That is the object of the distribution of seed—to bring prosperity to the people and cause them to possess all things. [Great laughter.] In the New Testament we find the same great truth taught, for in II Corinthians ix, 10, it is written, "He that ministereth seed to the sower both minister bread for your food, and multiply your seed sown," and in the thirteenth verse of same chapter there is authority "for your liberal distribution." Therefore we find not only Divine sanction and express approval for the distribution, which we as the servants of the people, who are the servants of God, because you know it is said, "Vox populi, vox Dei"—the voice of the people, the voice of God—and we are therefore as the servants of the people the servants of God in carrying out the desires of the people, as well as the teachings in Divine Writ, when we distribute seed. [Laughter.]

I am glad to add to our ranks to-day my good friend from Texas, and know that hereafter he will stand for the enforcement, not only of the will of the people, but the enforcement of this good book as well. [Laughter.] I not only commend him for searching its pages, which are all lit up with living truths, and profiting thereby, but I earnestly plead with you my friends [laughter] and fellow-laborers in the vineyard [laughter] to go and do likewise [applause], for as Bishop Vincent once said:

A nation would be truly happy if it were governed by no other laws than those of the blessed Book. It contains everything that is needful to be known or done. It gives instructions to a Senate (and I have shown that in it we, the House of Representatives, are not left to wander in darkness). [Laughter.] It gives authority and directions to a magistrate. It gives caution to a witness, requires an impartial verdict of a jury, and furnishes the judge with his sentence. It is this blessed Book that sets the husband as the lord of his household, the wife as the mistress of the table. It tells him how to rule, and her how to manage. It entails honor to parents, and enjoins obedience on children. It is a blessed book that preserves and limits the sway of the sovereign, the rule of the ruler, and the authority of the master; it commands the subjects to honor, the servants to obey, and the blessings and protection of the Almighty to all that walk by its rules. It promises food and raiment, and limits the use of both. It points out a faithful and eternal guardian to the departing husband and father, tells him with whom to leave his fatherless children, and whom his widow is to trust, and promises a father to the former and a husband to the latter. It is the first book, the best book. It defends the rights of all, reveals vengeance to every defaulter, overreacher, and trespasser. It contains the best laws and most profound mysteries that were ever

penned, and it brings the best comforts to the inquiring and disconsolate. It is a brief recital of all that is to come. It settles all matters in debate, resolves all doubts, eases the mind and conscience of all scruples. It describes the celestial, terrestrial, and infernal worlds, the origin of the angelic myriads, all the human tribes, and the devilish legions. It is a blessed book; it is the best covenant that was ever agreed upon, the best deed that was ever sealed; the best that will ever be signed. It reveals the only living and true God, and shows the way to Him, and sets aside all other gods, and describes the vanity of them and all that trust in such. In short, it is the book of laws to show right and wrong, of wisdom that condemns a folly and makes the foolish wise; a book of truth that detects all lies and confronts all errors; and, best of all, it is the book of life that shows the way from everlasting death. Oh, blessed holy covenant of God!

[Great applause.]

Oh, my brethren, may you take this Book and learn of its teachings, and, as is declared in Exodus, thirteenth chapter and twenty-first verse, let the Lord go before you "by day in a pillar of a cloud to lead them the way; and by night in a pillar of fire, to give them light to go by day and night," and as "He took not away the pillar of cloud by day, nor the pillar of fire by night, from the people" may He never take this Book of His guidance from you [applause], but to you may it ever be—

Holy Bible! Book divine!  
Precious treasure, thou art mine!  
Mine to tell me whence I came;  
Mine to tell me what I am;  
Mine to chide me when I rove;  
Mine to show a Saviour's love;  
Mine thou art to guide and guard;  
Mine to punish and reward;  
Mine to comfort in distress,  
If the Holy Spirit bless;  
Mine to show, by living faith,  
Man can triumph over death;  
Mine to tell of joys to come,  
And the rebel sinners' doom;  
O, thou Holy Book divine!  
Precious treasure, thou art mine!

[Long and continued applause.]

Now, after giving you, my fellow-laborers, this wholesome advice [laughter], I expect I ought to stop and leave you to sober and serious meditation and reflection [renewed laughter]; but I feel in duty bound to proceed a little further in the discussion of this momentous and far-reaching question, which is of such vital and breathless interest to the people. [Applause.]

After my splendid and lovable friend from Texas [Mr. SHEPPARD] had exhausted the musty pages of history and delved deep into the surpassing beauties of Holy Writ, I am inclined also to believe that another "aurora borealis" burst upon the horizon of his vision from that other pure fountain of unerring wisdom and enlightening truth—the people themselves—in letters like the following one from a citizen of the grand old Commonwealth of Texas, in which the writer says:

I want some more seed, and I am especially anxious to get some seed of the premium late flat-dutch cabbage like you sent me last year. [Laughter.] I received some last year and I desire another distribution of the same kind of seed. I grew from the seed which I received last year a cabbage which was 4 feet in diameter [laughter] from tip of leaf to leaf and I sent it to the World's Fair and it attracted the attention of the assembled multitudes which traveled through the great agricultural building.

[Great laughter.]

Now, then, my friend says that the watermelon seed which went to Texas last year only grew watermelons large enough to make good watch charms. That being true, I suppose all Texans were beautifully adorned with lovely watermelon watch charms, to their great delight and indescribable pleasure [laughter], which probably was not as entirely satisfactory as if they had grown large enough to have gratified the inner man rather than gorgeously decorating the outer man. [Renewed laughter.] Still these cabbage supplied the yawning vacuum and certainly brought contentment and happiness to all. [Laughter.]

The watermelons may have been a disappointment, but the cabbages were certainly a transcendent success. [Applause.]

Mr. SHEPPARD. Mr. Chairman, I would like to state that a request came from Mississippi for some seed which would grow Adam's apples. [Laughter.]

Mr. CANDLER. Adam's apples?

Mr. SHEPPARD. Yes.

Mr. CANDLER. From Mississippi?

Mr. SHEPPARD. Yes.

Mr. CANDLER. Well, we are the direct descendants of old man Adam, and we don't care to cut his acquaintance or the acquaintance of his apple tree. [Laughter.]

Now, Mr. Chairman, having heard from history and from the pages of the best book in the possession of man, and the people themselves, the approval of this good work, I am not surprised that the gentleman from Texas [Mr. SHEPPARD] "came to himself" and had the manliness and courage to confess it. Therefore let "the best robe" be placed upon him and

"a ring upon his hand and shoes on his feet and bring hither the fatted calf and kill it and let us eat and be merry" in celebration of the return of the "prodigal son" [great laughter], and may the distribution of seed never grow less, but rather be increased until it meets the demands of the people and the requirements of our rapidly developing country. [Applause.] And now, in conclusion, permit me to again congratulate my distinguished friend the gentleman from Texas [Mr. SHEPARD] and extend to him the loving hand of good fellowship and present him to you, my friends and fellow-laborers, for your congratulations and blessings. May he ever stand exalted upon the topmost pinnacle of renown, supported by the three immortal sources of inexhaustible wisdom, to wit, the pages of history, the Book of Inspiration, and the voice of the people, and receive always the homage and loyalty of an admiring constituency who will now see in him that greatest of all the "captains of industry," the leader of the seed distribution of the Congress of the United States of America. [Loud laughter and prolonged applause.]

Mr. LAMB. Mr. Chairman, I yield half an hour to the gentleman from California [Mr. BELL].

Mr. BELL of California. Mr. Chairman, I was very strongly impressed a few moments ago with the remark of the gentleman from Kansas [Mr. SCOTT] that the subject of transportation was very strongly allied to the question of agriculture; and I think it eminently proper that this committee, in the consideration of a bill that proposes to appropriate \$8,000,000 for the encouragement of agriculture, should devote some of its time to the consideration of railroad rates.

I come from a State, Mr. Chairman, that for agriculture, horticulture, and viticulture is unsurpassed by any other State in the Union. It is not a question of soil with the farmers of California, nor a question of climate, for in those particulars nature has been most lavish with her gifts; but it is a question of delivering our products to the markets of the world without surrendering all the profits of nature's liberality and man's industry to the rapacious monopoly of the railroads. I know of no other State that has a deeper interest in the subject of transportation than the State of California. We do not enjoy the advantage of a large number of transcontinental lines, with the possibility of competitive rates. Geography and topography have conspired with human greed to place us at the mercy of two railroad systems in name, but only one in fact. The language of the San Francisco Chronicle, one of the leading newspapers of the Pacific coast, and I might state parenthetically, the chief Republican organ in California, under date of January 22, 1905, is particularly significant. The Chronicle says:

The proof that the Southern Pacific and the Santa Fe have an understanding in this State, has long been accessible; but nobody appears to desire to put an end to it. The big shippers might have done so long ago if they cared to, but they have shown indifference. The small producer and the consumer have been the sufferers, but no one pays any attention to their complaints or seeks to effectively remedy their wrongs, no matter how persistently they may be pointed out by newspapers.

Is it to be wondered, in view of this railroad monopoly that not only keeps its heel upon production in my State, but, in order that its grip shall not be broken, dominates political conventions and often assumes a dictatorship over legislative bodies, that our people join in the universal prayer for relief? The very destinies of California have been committed to the hands of a railroad monopoly, which, if left unchecked, will continue to reap almost the entire harvest of California's progress and prosperity. California looks to distant markets to absorb the surplus of her fruits and wines, her lumber and wool, her wheat and hops; but each of these must pay its tribute to the carrying monopoly, the rich cream is skimmed off, and the real producers of her great wealth are robbed of the just reward of their industry and thrift.

Production, transportation, and exchange; here are the three great factors in the industrial and economic world. We might concede an equality of importance among them, but when transportation assumes a controlling force and position, making itself the keystone upon which the whole arch of production and exchange must depend, it is high time to enforce an adjustment that will no longer permit it to command the entire field of human endeavor.

The relation of rates to agriculture was clearly shown by Aaron Jones, grand master of the National Grange, before the Interstate Commerce Committee of the House in 1902. He said, among other things:

The management of railroads has been in the past, in some respects, regardless of the interests of the producer or the interests of the farmer in the classification of freight. They have made it prohibitory to market some products, so that they are absolutely worthless, because the producers are unable to pay the freight charges upon them. These

charges are not in proportion to the cost of carriage, as we understand it. In cases of that kind it seems to me that the farmers ought to have a remedy, and that remedy ought to be provided by the National Congress. That remedy is, that when the Commission has examined a case clearly and fully and determined it, whatever their finding may be the railroad companies must obey that finding and thereafter carry the product at the rate of the finding of the Commission until it has been reviewed and set aside by the courts. There is not any other protection that the farming interests of this country can secure. We are handicapped. The rapid combination and consolidation of these roads under a single management makes it more imperative at this time, and more and more forcibly is the necessity felt that we should have legislation such as we ask now than in any other period in our country's history, because we are absolutely at the mercy of the transportation interests of the country. Now, I want to say, as a farmer, that grain growing has ceased to be profitable from the fact of the excessive freights that are charged us.

The fact that excessive freight charges have in many cases proved prohibitory to the fullest cultivation of the soil may to some extent explain what seems to be a great disproportion among the different classes of property that are transported. We are informed by the Interstate Commerce Commission that during the year ending June 30, 1903, the gross freightage of the country was divided as follows:

	Per cent.
Products of the mines	51.56
Products of manufacturers	14.39
Products of the forests	11.67
Products of agriculture	9.56

It will be a matter of surprise to many to thus learn that agriculture furnishes only 9.56 per cent of the gross freight of the country.

If we accept the testimony of men like Grand Master Jones, of the National Grange, the transportation companies possess the power to mar or make communities. This great power to tear down or build up cities and communities, to create huge private fortunes, or to destroy the fruits of years of frugality and thrift, is a power that should receive the most jealous scrutiny of the highest lawmaking body of the nation, not only because it may vitally affect the common good, but in a spirit of self-defense Congress must bring under proper regulation and control a force that is capable of usurping even the functions of government itself.

Mr. Chairman, I desire to read to the committee a communication from an association of fruit growers in California, which will illustrate the earnest demand that is being made for railroad regulation.

RIVERSIDE, CAL., January 9, 1905.

DEAR SIR: On January 1, 1905, at a regular meeting of the board of directors of the Riverside Fruit Exchange, representing at least 500 growers, controlling 2,500 carloads of oranges, a resolution was passed indorsing that clause in the President's annual message which commended the granting of larger powers to the Interstate Commerce Commission, and to enable them to enforce their decisions. This Commission being formed for the protection of producers as against excessive freight rates is weak in not having a proper enforcing clause connected therewith. Any decisions made by the Commission should be made operative until such time as reversed by the courts.

Respectfully submitted.

RIVERSIDE FRUIT EXCHANGE,  
S. H. HERRICK, Secretary.

Hon. THEODORE A. BELL, Washington, D. C.

Mr. Chairman, I could produce many memorials from my State couched in similar language. There is one characteristic common to all the petitions that have so far been sent to Congress on this subject from different States and Territories which excites our respect and admiration, and that is the moderation with which the people of this country thus far have spoken. It is commendable in the people of America that after waiting eight long years for legislation of transcendent interest and importance—legislation that should have been enacted long ago—they should still speak in terms of mildness and patience. We would not be surprised if the people had long since become exasperated over the delay of Congress. It is idle for men to tell me that railroad abuses are of recent growth and that the people have only lately begun to suffer from the deficiencies of the law. The act of 1887—the first law upon the subject of regulating the railroads—was preceded by several years of agitation. That agitation had its foundation in fact, but it required persistent hammering upon Congress to get anything like relief. Finally a law was passed creating the Interstate Commerce Commission and vesting it with powers that were deemed reasonably adequate to meet the necessities of the times. After this law had been enforced for something like ten years, most of the time the right of the Interstate Commerce Commission to declare what reasonable rates should prevail in the future being unquestioned, the Supreme Court tore out the very heart of the law, delivered a solar plexus blow to the Commission, and then the people woke up to the fact that they had been handed a gold brick. Mind you, I do not question the correctness of that decision. What I desire to emphasize is, that on the 20th day of next May it will be eight years since the Supreme Court made an anomaly out of the Interstate Commerce Commission,



holding that the Commission might declare a given rate unreasonable, but not determine what rate should take its place. Eight long years have passed, I say, since that memorable decision was rendered. Congress after Congress has met and adjourned without any attempt to supply the omissions of the law. The people have been shamefully ignored, treated with the utmost contempt, and the railroads given almost free license to continue their lawless course.

But let us not dwell too long on the past. Let us turn our attention to the present and future. The question is, Shall we act now while the tone of the people is still moderate and patient or shall we wait until we are scourged to action? I will undertake to say, of I read the signs aright, that if this Congress does not act the electors of the country will find men that will.

It is gratifying to see some indication of a movement to carry out the most excellent and commendable utterances of the President in his last annual message to Congress. The whole subject, it seems, is now to be brought before the House for consideration, and that is what we want, for out of discussion may come action, and out of action may come a remedy. Judging from the great number of leading counsel and high officials of the big railroad systems that have been visiting Washington lately it would really look as though something were to be done. I am glad to be able to say that there are men in the railroad world who are candid enough, who are patriotic enough, who have so deep an interest in the national welfare that they are willing to concede without opposition the right of Congress, to a reasonable extent at least, to regulate the rates and fares of common carriers. But unfortunately there are others, and they constitute the great majority, who believe that after a corporation has pursued a certain course for a long period of time, no matter how injurious such course may be to the people at large, it acquires a sort of prescriptive right to continue to prey upon the people.

There are railroad men to-day by the score who declare that you have no right to touch a railroad schedule. They regard it as something sacred, and any attempt whatever looking to regulation or control in the interest of the public is condemned as sacrilegious. Thus the creature of the law assumes to be its master and defies legislative restraint. We are the victims of our own neglect and omissions in not exercising long before this our sovereign right of control over public utilities. The railroads are like a lot of spoiled children, who, having been given their own way for years, rebel against even the most wholesome discipline. The railroad companies of America have been subjected to less interference than the railroads of any other country in the world. We have been very lenient because we had a great territory to the westward that awaited development, and we were quite willing at most any price to encourage the railroads to bring distant prairies and valleys within the reach of our people. But with land grants and subsidies we insured those great overland projects, and we are under no particular debt of gratitude to the men who merely took advantage of the nation's munificence and the public's eagerness for railroad facilities. If there is any gratitude due to any body it is due to the nation that gave its lands and its moneys, and to the States and local governments that mortgaged their future to build up huge private fortunes.

In respect to incorporation the railroads have enjoyed a rare privilege. They have been given the choice of all the States and Territories of the Union, and they have not been slow to incorporate where they could enjoy the most power and be subject to the least restraint. It is difficult to consider this phase of the railroad question without adopting the conclusion that has been reached by many students of the corporation problem, prominent among them being Mr. James R. Garfield, the present Commissioner of Corporations, that something ought to be done to bring about a system of uniform corporation laws throughout the United States.

We are now confronted with a chaotic condition of corporation laws generally. No remedy for this great evil seems to be at hand, except to place the corporations engaged in interstate commerce under national control, either requiring them to re-incorporate under a Federal statute or to take out a license or charter under the central Government. No one can view the present laxity of corporation laws in some of our States without a feeling of humiliation and shame. Only this morning I read in the Washington Post that the people of New Jersey were congratulating themselves upon the fact that of the several millions of dollars now in their State treasury not one cent had been collected by taxation of its citizens, nearly all of that great sum being derived from fees paid by corporations for the privilege of organizing under the extremely lax laws of that State. New Jersey, as a breeder of trusts and corporations, is entitled to the first prize; but the trouble is she sends out these

corporations to prey on the people of her sister States, taking very great care that the worst of them shall have no opportunity to operate at home. New Jersey's reputation for trusts—as well as for mosquitoes—is a national one, but the latter she keeps at home to infest her own people, while the former she sends out in great swarms to prey on the people abroad. The price of her shame seems to be of greater moment than the welfare of her neighbors. This presents the most remarkable case of "enlightened selfishness" that America so far has produced.

Mr. HUGHES of New Jersey. When you say the laws of New Jersey prevent them from operating on the people of the State, do you mean the mosquitoes or the corporations?

Mr. BELL of California. Of course I mean the corporations, as I understand the laws of your State.

The extreme laxity of corporation laws is not the only problem that the railroad companies have been permitted to enjoy. They have been permitted to escape equal and just taxation, thus leaving other enterprises to bear an unequal share of public burdens. All the railroads of this country put together, during the fiscal year ending June 30, 1903, paid only \$57,000,000 in taxes, and yet we find these same railroads capitalized for over \$12,000,000,000. They pay an average tax of only \$200 per mile. Figuring taxes at 2 per cent, which would be a fair average, their average assessment is less than \$15,000 per mile. They have enjoyed still another great privilege—one that transcends all others in its relation to rates. Unpleasant though the truth may be, it is an undeniable fact that concentration, consolidation, and monopoly have gone on under our very noses with little or no effort on the part of the Government to prevent it. Perhaps monopoly is as inevitable here as it has been in other lands. Railroads may possess peculiar characteristics that distinguish them from other great enterprises, and railroad monopoly may have unusual claims to our sanction and approval, but if we are going to permit free competition to be entirely eliminated and thus lose its controlling effect upon fares and freights, then there ought to be strict public supervision to secure the people against extortionate charges. The awful mistake that has been made in the past is that we have permitted monopoly to go on unchecked without providing against the evils that inevitably follow in its train. In England railroad monopoly became an accepted fact many years ago. As early as 1872 we find a parliamentary committee reporting that competition between railways exists only to a limited extent and can not be maintained by legislation.

What do we find over in France? We find there six great railroad systems parceling out the whole territory among themselves, each enjoying exclusive privileges within its respective domains. In Austria "pooling" is recognized by law. Germany repudiated the doctrine of free competition before the era of nationalization had begun. Down in Japan, where they always take advantage of the history and experience of western civilization, applications for charters are rejected when the necessity for the construction of a new railroad can not be demonstrated or when it prejudices the just interests of existing lines. And so it would appear that railroad monopoly has received almost universal recognition. Even some of the American States—for instance, Massachusetts, New York, and Florida—admit that consolidation of parallel lines may result in the public good; for in those States the railroad commissions are authorized by law to permit consolidation even of competing railways. But it must be borne in mind that these States exercise general supervisory powers over classifications, rates, and regulations, and are therefore able to minimize the evils of monopoly, while enjoying whatever benefits or advantages it may possess.

While I am on this subject of railway concentration, let me read a few paragraphs from the report of the Interstate Commerce Commission for 1900:

One of the striking features of recent times in the industrial world has been the tendency to combine for the purpose of limiting or eliminating competition. In no branch of industry, probably, is the inducement to form combinations of this sort greater, nor the advantages to be had from them when formed more certain, than in railway operations. (1) No competition is so destructive as that between railways. (2) The nature of the business renders possible large profits from such combinations without attracting undue attention. (3) No kind of property lends itself so readily to the permanent formation of such combinations as railroad property. (4) In addition to these inducements, which arise out of the nature of the business and conditions under which it is prosecuted, the statutes of the land operate to produce the same result.

No one at all acquainted with what is transpiring can doubt that combinations have been formed and are certain to be formed among railroads which will be more extensive, more permanent, and more far-reaching in their ultimate results than those in any other department of industry.

When we consider what has actually been done, what is undoubtedly in contemplation, the entire feasibility of these schemes, the very great advantage which would result to the owners of the properties involved, the fact that a step once taken in that direction is seldom retraced, it becomes evident that in the immediate future the great transportation lines of this country will be thrown into great groups controlling their



own territory and not subject with respect to most of their traffic to serious competition. Such a condition is not without its benefits. The evils which competition begets will largely disappear with that competition; many of the worst forms of discrimination will cease; the tariff rate will be generally observed. Competition is wasteful. Owing to it transportation by rail actually costs more than it ought. To eliminate that competition will be to work an actual saving in the cost of the service, and this should redound to both the carrier and the shipper. The danger lies in the fact that the only check upon the rate is thereby removed. Hitherto competition between carriers has kept down the prices of carriage. If this is taken away nothing remains except the force of popular opinion and the feeble restraints of the present law, which are of little effect when directed against slight and gradual advances.

It will lie within the power of two or three men, or, at most, a small group of men, to say what tax shall be imposed upon the vast traffic moving between the East and the West. One kind of property may determine what tribute every other kind of property shall pay to it. The nature of the service and the conditions under which this species of property is conducted may be such that it can not be, and perhaps ought not to be, brought under the controlling force of competition. But those very conditions make it imperatively necessary that some other control should be substituted for competition.

These utterances were made more than three years ago, and to show how true the predictions of the Commission were, I read an article recently published in the New York Commercial:

The present year promises to be a notable one in the history of railroads. The year opens with the great roads of the country absolutely controlled by eight banking interests—the Gould, Hill, Harriman, Rockefeller, Moore, Vanderbilt, Morgan, and Pennsylvania. These interests control more than 80 per cent of the railroad mileage. The relations between several of these different interests are extremely close, so that, as a matter of fact, the railroad industry of the country is controlled by less than eight groups of capitalists. The Hill-Morgan interests might almost be classed as one group, while the Rockefeller-Harriman interests might also be classed as one group. If it is true, as Wall Street believes, that the Rockefeller-Harriman interests now control the New York Central, the number of banking interests controlling is still further reduced. It is the opinion of one of the ablest railroad financiers that within five years the railroads of the United States will be absolutely controlled by five banking interests. In the light of the developments during the last few years such an outcome does not seem at all unlikely.

The entrance of A. J. Cassatt in the directory of the New York, New Haven, and Hartford brings out forcibly the extent to which the railroads in the East are consolidating into a few groups. Six years ago there were more than fifteen independent railroads in the Eastern territory. Since 1898 no less than ten large roads have been absorbed, with the result that Pennsylvania and New York Central now absolutely control the trunk-line territory. The railroads which have been absorbed by Pennsylvania and the New York Central include such prominent railroads as the Baltimore and Ohio, Chesapeake and Ohio, Norfolk and Western, Boston and Albany, Reading, Jersey Central, Hocking Valley, Big Four, and Lake Shore. In addition, the Ontario and Western has been absorbed by the New York, New Haven and Hartford, and it is believed in Wall Street that this absorption was in accordance with a plan to lease the New Haven to the Pennsylvania. As a matter of fact, practically the only remaining independent systems are the Erie, the Delaware and Hudson, and the Delaware, Lackawanna and Western. It is highly probable that before the close of the year at least one, and possibly two, of these will be disposed of in accordance with a comprehensive plan which the largest financial interests of the country have mapped out.

The railroads contend, Mr. Chairman, that Congress should not divest them of the rate-making power, because it may be safely left to contract between the shipper and the carrier; and this argument would carry much weight if there were actual competition among the carriers, but, as I have shown, competition has become a negligible quantity in the problem, and to leave the subject to contractual arrangement would simply mean that the shipper would be compelled to pay whatever the railroads might demand, and that would probably be "all that the traffic would bear."

We can sum up the whole situation in a very few words. If we are to have actual competition, then we should have but little regulation; if no competition, then public regulation must be sufficient to insure just and reasonable rates. We must, therefore, recur to the vital question, What does Congress propose to do in response to the universal demand for Federal regulation of the railroads? If we turn a deaf ear to these appeals we shall betray those who have sent us here. If we fail to act, how shall we justify our inaction in the eyes of those whom we pretend to represent? Shall we admit that the wisdom of Congress is unequal to the task that has been imposed upon it? Are we prepared to confess that the agencies of this sovereign Government are impotent to successfully deal with any evils that may arise to afflict the body politic? Shall we concede that Congress is powerless to prevent oppression and wrongdoing within the scope of its jurisdiction? No; we shall make no such admissions, for they would bring only shame and humiliation to American institutions and American laws. Possessing, as I do, so much respect for this great legislative body, and holding its membership in such high esteem, it is with great reluctance that I am compelled to state that the failure of Congress to act promptly and effectively has provoked a widespread belief that corporate influence has been at work in these Halls.

Mr. Chairman, for eight years the people have petitioned Congress for a redress of grievances, but without explanation or excuse you have continued to hear their complaints without a

line of law to relieve them. If Congress is keenly criticised for its inaction it has no one to blame but itself. My earnest hope is that before this session ends Congress will have purged itself of even the suspicion of corporate influence, for an arraignment of Congress on so grave a charge is an arraignment of the American people, and every man who loves his country must view with sorrow the slightest imputation against those who have been honored as representatives of the people.

Let us glance for a moment at the power of Congress to act in the premises. Our authority is granted in the clearest language of the Constitution. Congress shall have power, the Constitution declares, "to regulate commerce among the several States." Here we are given a power that enables us to control and regulate every railroad of America that transacts business among the States, a power that is ample to reach every evil that the people now complain of. Coming down to the specific question before the country, in 1887, when creating the Interstate Commerce Commission we attempted to define its powers. In that act we declared that—

All charges for any service rendered or to be rendered in the transportation of passengers or property, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just; and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

It was made the duty of the Commission to enforce these provisions. The Commission, in the discharge of its duties, assumed that the law had authorized it to find what would be a just and reasonable rate to take the place of one adjudged to be unreasonable and unjust. For many years the Commission proceeded upon this theory, and its interpretation of its authority remained unchallenged in something like sixty-eight cases where it substituted and enforced what it deemed to be a reasonable charge in place of one that had been denounced. At last the railroads decided to contest the Commission's authority in the courts. The question was carried to the United States Supreme Court, and, as I have already stated, on May 26, 1897, in the case of the Interstate Commerce Commission v. the Cincinnati, New Orleans and Texas Pacific Railroad (167 U. S., 479), the court sustained the position of the railroads, holding adversely to the contention of the Commission, saying in part:

It is one thing to inquire whether the rates which have been charged and collected are reasonable—that is a judicial act; but an entirely different thing to prescribe rates, which shall be charged in the future—that is a legislative act. The argument is that in enforcing and executing the provisions of the act the Commission is to execute and enforce the law as stated in the first section, which is that all charges shall be reasonable and just, and that every unjust and unreasonable charge is prohibited; that it can not enforce this mandate of the law without a determination of what are reasonable and just charges; and as no other tribunal is created for such determination, therefore it must be implied that it is authorized to make the determination, and, having made it, apply to the courts for mandamus to compel the enforcement of such determination.

We have, therefore, these considerations presented: (1) The power to prescribe a tariff of rates for carriage for a common carrier is a legislative and not an administrative or judicial function, and, having respect to the large amount of property invested in railroads, the various companies engaged therein, the thousands of miles of road, and the millions of tons of freight carried, the varying and diverse conditions attached to such carriage, is a power of supreme delicacy and importance. (2) That Congress has transferred such a power to any administrative body is not to be presumed or implied from any doubtful or uncertain language.

The gist of this decision was that Congress had not clearly and plainly vested the Interstate Commerce Commission with the power to fix and enforce reasonable rates, and this construction completely emasculated the law of 1887. Henceforth the Commission might sit for weeks to hear the grievances of shippers and declare a given rate unreasonable, but by changing this rate a fraction of a cent the transportation companies could comply with the judgment of the Commission without appreciable loss to themselves and compel the shippers to prosecute a new action to displace the new rate, and so on almost ad infinitum.

Now, the clean-cut question before Congress is, Shall we amend the law so that it may contain the vital power to fix and enforce reasonable rates? From a thousand sources comes a cry for this sort of legislation. The Industrial Commission that was organized by Congress a few years ago, comprised of four Representatives, four Senators, and ten Senators appointed by the President, after three or four years of thorough investigation of transportation problems, speaking of the decision of the Supreme Court, says:

The immediate effect of this decision was to prevent any enforcement of orders relative to rates by the Commission. The carriers immediately refused to obey any orders which the Commission issued for the redress of grievances. This policy has been manifested with increasing clearness during the five years subsequent to the decision. It has become more and more certain that the denial of the right, not only to pass upon the reasonableness of a particular rate, but to prescribe what rate should supersede it, means the abolition of all control whatever. The entire inadequacy of making rate regulations dependent upon the mere determination of rates as applied in the past without



reference to rates which shall prevail in the future is apparent on all sides. More than this, all remedy for the parties who have borne the burden of an unreasonable rate would seem to have been removed. \* \* \* Experience shows that almost no shippers or other parties injured actually attempt to secure the restitution of moneys already paid for unreasonable charges. In only 5 out of 225 cases down to 1897 was a rebate (or refund) actually sought, and in these cases \$100 was the maximum sought to be recovered. As a matter of fact, the damage inflicted by the existence of an unreasonable rate could not be measured by hundreds or perhaps by hundreds of thousands of dollars. The bearing of this citation is to show that any effectual protection to the shipper must proceed from adjudication of the reasonableness of rates before and not after they have been paid; that is to say, in advance of their exaction by the carrier. Power to pass upon the reasonableness of such rates prior to their enforcement as a consequence constitutes practically the only safeguard which the shipping public may enjoy.

In President Roosevelt's annual message last December we find this significant language:

The Government must, in increasing degree, supervise and regulate the workings of the railways engaged in interstate commerce; and such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other. In my judgment the most important legislative act now needed as regards the regulation of corporations is this act to confer on the Interstate Commerce Commission the power to revise rates and regulations, the revised rate to at once go into effect and to stay in effect unless and until the court of review reverses it.

Mr. Chairman, the people demand just exactly what the President has recommended, nothing more and nothing less. They want the Commission to fix reasonable rates and to put those rates into immediate effect, because it avails nothing whatever if you declare a rate to be reasonable and do not enforce that rate at once. From the very nature of the case any delay in putting a reasonable rate into effect may completely deprive the shipper of the very remedy he seeks. The right of a shipper to look for damages in an ordinary proceeding at law is a barren one, indeed, and one that it may become impracticable in most cases to pursue.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDOX. I ask unanimous consent that the gentleman may have time to conclude his remarks.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the gentleman from California may have time to conclude his remarks. Is there objection?

There was no objection.

Mr. BELL of California. Now, Mr. Chairman, the question as to your power to invest any court, whether it is called a court of interstate commerce or anything else, with the legislative power to prescribe a rate when it is reviewing the order of the Commission, has been passed upon many times in this country. It has been passed upon by the highest courts of several States of the Union. I have in mind California, Minnesota, and Connecticut. The Supreme Court of the United States has passed upon this question, and I think that we ought to keep the doctrine as enunciated by the courts squarely before us, to be our guiding light in determining what power we are going to give to any interstate-commerce court, if we should think it advisable to create a court of that kind. In the case of *Reagan v. Farmers' Loan and Trust Company*, reported in 154 United States Reports, at page 362, it is held that:

It is within the power of a court of equity in such case to decree that the rates so established by the Commission are unreasonable and unjust, and to restrain their enforcement; but it is not within its power to establish rates itself or to restrain the Commission from again establishing rates.

In other words, the court of review may be given the power to review the order of the Commission, but in doing so it will be confined to but one consideration, or at least it ought to be confined to a single consideration, and that is simply this: Whether the prescribed rates are so clearly and palpably unreasonable and unjust as to be the equivalent to deprivation of private property without due process of law or without just compensation.

Now, in all the great municipalities throughout this country, in all the big cities, the board of aldermen, or the city council, or the trustees, by whatever name they may be known, have been exercising the power given them by statute or by charters to fix gas rates, water rates, and railroad rates; and likewise many of the States have given to certain boards and commissions the right to fix railroad rates upon commerce strictly intrastate. Now, many of these cases have found their way to the United States Supreme Court, and that court time and time again has laid down the rule that an appellate court should be governed by in reviewing those rates.

There is one case that arose in the State of California that I have particularly in mind, a case involving the fixing of water rates, in which the Supreme Court on appeal laid down the doctrine in clear and explicit language. The case is entitled *San Diego Land Company v. National City*, and the decision is found in 174 United States Reports, page 749. The court says:

But it should also be remembered that the judiciary ought not to interfere with the collection of rates established under legislative sanction unless they are so plainly and so palpably unreasonable as to make

their enforcement equivalent to the taking of property for public use without just compensation as under all the circumstances may be just both to the owner and to the public. That is, judicial interference should never occur unless the case presents clearly and beyond all doubt such a flagrant attack upon the rights of property under the guise of regulations as to compel the courts to say that the rates prescribed will necessarily have the effect to deny just compensation for private property taken for public use.

Now, these are the limitations which the Supreme Court has declared in deciding these cases that have come up from municipalities or from States. No law should be enacted here that would attempt to give any court of interstate commerce any greater power than that now possessed by other Federal courts.

Mr. MANN. Does the gentleman think that we could give the courts any greater power?

Mr. BELL of California. No; because I give you credit for knowing a good deal better than that.

Mr. MANN. The gentleman need not give me any credit at all; I do not expect it.

Mr. BELL of California. I am giving you credit for understanding this principle of law.

Mr. RICHARDSON of Alabama. Does the gentleman from California mean that no additional court is necessary?

Mr. BELL of California. No; I mean to say this: That it may, in the estimation of a majority of Members of this body, be deemed advisable to create a new court of interstate commerce.

Mr. MANN. Merely for expedition?

Mr. BELL of California. Merely for expedition. I think we should all be willing, if we are to deprive the railroad company of a right to collect their own rate, substituting another in its place, to give the railroad company a right to be heard at once, in order that they may have their case speedily decided. What I mean to say is, that if you are going to create a new court, you should not attempt to invest it with any greater power than the other Federal courts now possess.

Mr. MANN. If the gentleman will pardon me, I never heard the suggestion made that any greater power should be conferred on the court.

Mr. RICHARDSON of Alabama. I would like to ask the gentleman from California a question.

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Alabama?

Mr. BELL of California. Yes.

Mr. RICHARDSON of Alabama. Does not the gentleman think that the court, as organized now, will give the railroad companies the same rights and the same protection as any special court of commerce would?

Mr. BELL of California. They will.

Mr. RICHARDSON of Alabama. Then what is the necessity for a special court?

Mr. BELL of California. There is no real necessity for any additional court; I am simply assuming that a new court is to be created.

Mr. MANN. But that is not the subject the gentleman from California was discussing; it was not the necessity of a court, but the power of the court.

Mr. BELL of California. Yes; the power of the court. Now, the gentleman from Illinois said that he had no recollection of anyone's attempting to confer any greater power upon this court than the Federal courts have.

Mr. MANN. I have not said that no one attempted to confer any greater powers; I wouldn't undertake to say that, but I have heard no one make the suggestion that any greater powers ought to be conferred on the commerce court, because the Supreme Court itself has marked the limit between judicial authority and legislative authority, and said that it was not within the province of a legislature to take away or add to the judicial authority.

Mr. BELL of California. That is true. Now, the gentleman says he has heard no suggestion of that character. I submit that the Hepburn bill is entitled at least to be dignified as "a suggestion."

Mr. MANN. I have read the Hepburn bill, and I am satisfied that the Hepburn bill attempts to do no more than confer upon the particular court the power which the Federal court now possesses.

Mr. BELL of California. Then why don't you use the language in the bill if you do not attempt to give it additional power? Why don't you place it beyond all possible misconception?

Mr. MANN. I think it is placed beyond any misunderstanding.

Mr. WILLIAMS of Mississippi. Does not the Hepburn bill attempt to give greater power to pass upon the unreasonableness of the rate?

Mr. MANN. The very essence of the jurisdiction of the Fed-

eral court is whether the rate is reasonable. If the Commission says that a particular rate should go into effect and that rate is a reasonable rate it is beyond the power of the court to interfere with it, and the only ground upon which the court can interfere with it is that it is not a reasonable rate, and that is all that the Hepburn bill does.

Mr. WILLIAMS of Mississippi. Is the gentleman from Illinois accurate about that? Isn't it rather, that if it be unreasonable to the degree of being confiscatory, the court may intervene? You use the word "unreasonable." Why not use the word "unlawful?" Why not say "confiscatory?" Why not say what you mean?

Mr. MANN. If the gentleman wants my opinion as to the distinction between reasonable and lawful, I have very grave doubt whether there is any difference at all. I doubt very much whether there is a difference in the words of any of these bills about being "just and fair" and "reasonable and lawful," whether they mean any more than the word "lawful." Certainly the word "reasonable" is the distinctive line between the legislative and the judicial authority. If the rate is reasonable the court can not touch it, and the only ground upon which the court can touch the rate in any event is that it is not a reasonable rate, and if the court finds the rate is reasonable, then the court leaves that rate to stand as fixed by the legislative body. If the court finds the rate is not reasonable, it is because it takes private property without compensation, contrary to the Constitution. Those decisions are so many, the line is so distinctly drawn, that the meaning of the term is absolutely fixed.

Mr. WILLIAMS of Mississippi. That is the only sort of unreasonableness that the court can not take jurisdiction of, to wit, unreasonable to the point of taking private property without compensation or due process of law?

Mr. MANN. In my judgment, that is the case.

Mr. WILLIAMS of Mississippi. Why not use a word that expresses that idea instead of the word "reasonable." I understand the gentleman to say that he thinks it does, but I do not think it does.

Mr. MANN. Mr. Chairman, people may differ as to what the Supreme Court will decide. I have read with some diligence and modesty every decision that has been rendered by the Supreme Court upon this subject, or any question, as far as I could find correlated to it, and it seems to me that the use of the word "reasonable" is the proper word. It has been used in every bill presented before this Congress, so far as I know, in reference to the power of the Interstate Commerce Commission. That Interstate Commerce Commission shall determine what is a reasonable rate. That is the power we have the right to confer upon the Commission, and when they go beyond that and fix a rate that is not reasonable the court has the power to step in; but so long as they stay within the limits of the power which we grant to the Commission to fix a reasonable rate the court can not interfere, nor can we confer the power upon the court to interfere, and the word "reasonable" is the proper word to use under the decisions of the court.

Mr. BELL of California. I read from the bill:

But any common carrier affected by the order of the commission and deeming it to be contrary to law may institute proceedings in the court of commerce of the United States, sitting as a court of equity, to have such order reviewed and its reasonableness and lawfulness inquired into and determined.

Now, after reading, as the gentleman himself states, all the decisions of the Supreme Court upon this question, and realizing that in framing this bill it would have been so easy to have inserted language giving this court the exact powers that the circuit courts possess, I am forced to the conclusion that for some sinister purpose this language has been placed in this bill.

Mr. MANN. Oh, the gentleman is looking for sinister reasons. I suppose he is hunting for them.

Mr. BELL of California. No, I am not hunting for sinister reasons.

Mr. MANN. I say that in my opinion no lawyer, not even the gentleman himself, would draw a bill using very different language from the language in the bill. Will the gentleman suggest what language he would put in the bill?

Mr. BELL of California. Let me make a suggestion. The gentleman said that I was looking for sinister reasons. All I want to submit is this, that it is too bad, with all the eminent lawyers that this House possessed in 1887, that somebody didn't look for some sinister language in that great act creating the Interstate Commerce Commission, for if he had, and it had been dug down into, and some man had been suspicious, he might have found the vice that was discovered later on by the Supreme Court of the United States—a vice which, in my judgment, the railroad carriers of this country knew was there when the bill was passed in 1887, for they never invoked the remedy from the United States Supreme Court until it paid them to do so.

Mr. MANN. Well, the gentleman graces any Congress, and I

am sorry that he was not here in that Democratic Congress in 1887 when this bill was passed, without the aid of able lawyers, as he said.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the gentleman from California will excuse me, but the other day the gentleman from Iowa [Mr. HEPBURN] was upon his feet claiming, with very much gusto and enthusiasm, that the language of that act was the language of the Republican party; that it was drawn by Senator CULLOM of Illinois. There was at that time a Democratic President who signed that bill, and a Democratic House that finally took it in conference after battling for several days for the original Reagan bill, which would not have had this vice in it. [Applause on the Democratic side.]

Mr. BELL of California. Not an error of Democratic—

Mr. MANN. But the gentleman said the bill originated in a Republican Senate and passed through a Democratic House—

Mr. WILLIAMS of Mississippi. I did not; I said—

Mr. MANN. And the gentleman from California says they did not have lawyers distinguished enough to find out the defects, and I said I regretted that the gentleman from California, who graces any House he is in, was not present in that Congress.

Mr. BELL of California. The gentleman surprises me with his logic and ingenuity.

Mr. MANN. Any logic would possibly surprise the gentleman.

Mr. BELL of California. I come from a land of surprises.

Mr. WILLIAMS of Mississippi. I do not care to have my language as repeated by the gentleman from Illinois, so entirely different from the language which was uttered by me, go to the country as given, and if judged by one utterance by me and one by him the superior confidence of the country in what he ought to know I think and said might prevail over what I said.

Mr. MANN. The gentleman is sure he will never get as much language in the Record as the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. As I stated, a great Democrat, Senator Reagan, of Texas, stood here for years for the very principles of the legislation which the President is recommending now. There came a Democratic time when there was a Democratic House and a Democratic President, and this House passed the Reagan bill. It went to the Senate. Railroad influences were brought to bear there, as well as other influence. I am charging no bad motive to anybody.

It is natural that people who are interested will lobby and use their influence to prevent themselves from being cut out any more than possible, and the railroad companies favored another bill which was introduced by Mr. CULLOM in the Senate, and the Senate as a consequence—a Republican Senate—struck out everything except the enacting clause and substituted the language of the Cullom bill. That bill came back to the House, and the House again struck out all except the enacting clause and substituted the Reagan bill. That bill then went to conference, and finally the Democrats found it impossible to get any legislation at all unless they would accept the Cullom bill. They therefore agreed finally to give up the Reagan bill and accept the Cullom bill as a step in the right direction, and the debates upon this floor at that time showed that to be the attitude which they took; but meanwhile they had contended most earnestly for days in the House and in conference for the provisions of the Reagan bill, which had been declared by the railroads to be too drastic, and the other bill was substituted finally in conference rather than be without any legislation at all. Now, that is a historical statement.

Mr. MANN. If the gentleman from California will pardon me, I do not wish to take up his time—

Mr. BELL of California. I have been granted unlimited time.

Mr. MANN. Well, then, the time of the House on this—I may at some future time—but much the gentleman from Mississippi has said is strictly true and much is erroneous so far as the conclusions are concerned.

Mr. WILLIAMS of Mississippi. The only thing you differ from me in are my conclusions? I do not say that I have any proof that the railroads interfered in the Senate, but I think this, that the Cullom bill was much more favorable to them and it is natural to believe that they preferred it—and the Senate, as a matter of fact, did prefer it—and it is true it was accepted here, as the debates will show, as a step in the right direction.

Mr. MANN. I do not know who the author of the so-called "Cullom bill" was. The paternity of that bill has been claimed by various gentlemen.

Mr. BELL of California. Right in that line, can you tell me who is the author of this Hepburn bill?

Mr. MANN. I can tell you who is the author of the Hepburn bill. It is the Hon. WILLIAM PETERS HEPBURN, of Iowa.

Mr. BELL of California. And the Cullom bill did not bear the name of the author?

Mr. MANN. I did not say whether it did or not. If the gen-



tleman will pardon me, some gentlemen who are very much interested in this body have said the claim was made within forty-eight hours that Mr. John D. Kernan, a Democratic gentleman of high standing and ability, formerly railroad and warehouse commissioner of New York, I think, when Governor Tilden was governor of New York, was the author of the Cullom bill. I do not know. But the whole railway-rate legislation commenced in Illinois at the time Senator CULLOM was then, as he is now, one of the leading lights, politically and otherwise, of that State, and he did as much toward an agitation upon this subject and toward effecting it into legislation as anybody who lives; and the insinuation that the bill which he drew was favored or prepared by the railroad companies is as wide of the mark and as far from the truth as it could be possible to put a statement.

Mr. WILLIAMS of Mississippi. I trust the gentleman from Illinois [Mr. MANN] did not understand me to insinuate a thing of that kind.

Mr. MANN. I did not understand the gentleman to insinuate. He only said so.

Mr. BELL of California. Now, Mr. Chairman, the gentleman from Illinois [Mr. MANN] seems to believe that we ought not to give this Hepburn bill a close analysis.

Mr. MANN. Not at all.

Mr. BELL of California. Nor that we ought to be suspicious. Now, for my part, while I am a young Member of the House, this being my first term, after reading previous legislation upon this subject, with the light that the Supreme Court of the United States has thrown upon it, I for one propose to be suspicious and indulge that suspicion until some law is finally enacted and has passed out of the province of this House. I believe I have a right to look with some suspicion upon language that does not follow the ordinary language that gives courts of the same character the same power. If it be claimed now that you are simply attempting to invest this new court with the same power that is possessed by other Federal tribunals, then I say you could have made that more patent, indeed, by using the same language, or language that could not possibly be misconstrued.

Now, the language of this bill is:

And its reasonableness and lawfulness inquired into and determined.

I say that there is more than one degree of reasonableness, just as must be plain to anyone here who watches any of the debates in this House that there are different degrees of "reason." Now, there are different degrees of reasonableness, and the only unreasonableness that the appellate courts of this land will review, or take into consideration in reviewing the action of somebody that has fixed some rate is, in the language of the United States Supreme Court, an unreasonableness so clearly and flagrantly wrong that no other conclusion can be drawn than that it amounts to confiscation of private property without due process of law and without just compensation. And the whole language of this bill, and the provisions that follow giving this interstate-commerce court the right to suspend the order of the Commission and the right of the railroads to file a bond in order to indemnify shippers for any loss that may be sustained by reason of having to pay excess charges are calculated to give the advantage to the railroads. I say that if this bill as it stands to-day were placed upon the statute books of this country it would be infinitely worse than the interstate-commerce law of 1887, even after being emasculated by a decision of the United States Supreme Court. Why? Because you simply pretend to give somebody a remedy. If you are bound to create a court of interstate commerce, why don't you adopt the Hearst bill? It protects the people, but your Hepburn bill protects the railroads. You give the Commission the power to declare the rate unreasonable and substitute a reasonable rate. If you would stop there you would be in accord with President Roosevelt; but you go on in the next paragraph and virtually undo the very thing that you have pretended to do.

I ask the gentleman, and he will have time to answer it, what remedy is this bill going to give to the shippers of the country? Let one of the wine growers of the State of California, for instance, appeal to the Commission upon the ground that a high rate is being extorted for the shipment of wine. Let the Commission hear the facts. Let the Commission declare that the freight on wine shall not be 7 cents a gallon from California to New York and New Orleans, but shall be 4. All right. The Southern Pacific goes into your interstate-commerce court, and the first thing it does is to ask for an interlocutory order suspending the order of the Commission. Your experience with courts will bear me out in this assertion: Whenever you give a court the right to issue an interlocutory order of that kind, it is only a short time before it will be issued pro forma simply upon affidavit and prima facie showing that the Commission has fixed an unreasonable rate. Now, what is the result? Your court

of commerce suspends the order of the Commission, and your California wine man will continue to pay the 7 cents a gallon upon his wine.

Well and good, you say; but we will require the Southern Pacific Railroad to file a bond to indemnify the wine man. And now I will ask you right here, under this Hepburn bill, would the bond indemnify the one wine man who has complained of the unjust rate, or would it indemnify the whole wine industry of the State of California?

Mr. MANN. It would indemnify every shipper.

Mr. BELL of California. All right, then; we have got a bond that will indemnify every shipper in the State of California. Meanwhile they must go on and pay their rate. Now, then, the interstate-commerce court passes upon this question. You say that this court can only determine in that case whether this order of the Commission is so flagrantly unreasonable that it amounts to deprivation of private property without just compensation or due process of law. Then why do you not say so; but you do not in the language of this bill. You say that the court may not only determine the unlawfulness of the order, but it may determine the unreasonableness of the order. Now, if your contention is right, that it must be so unreasonable that it amounts to confiscation of property, then what reason have you to add the word "lawfulness"? If "reasonableness" and "lawfulness" are convertible terms, why use both?

Mr. GILBERT. Will the gentleman permit an interrogation?

Mr. BELL of California. Certainly.

Mr. GILBERT. Mr. Chairman, I understand the gentleman from Illinois to say that every shipper damaged by an extortionate rate would have a remedy upon that bond. I want the gentleman from California to extend his remarks covering this proposition. Suppose a suit should be brought under that bond to recover the extortionate rate upon that bond, would it extend only to the extortionate rate charged by the initial carrier?

Mr. BELL of California. I understand—

Mr. GILBERT. If, for example, a wine producer ships wine from San Francisco to New York, and it passes through the hands of half a dozen common carriers, can he recover the damage that he received by all the carriers through whose hands it passed from the State of California to its destination upon that bond?

Mr. BELL of California. I do not know.

Mr. MANN. The bond so provides.

Mr. BELL of California. "The bond so provides;" but I will undertake to say that if the railroad complains of this order, which demands an excessive rate, and an appeal is taken and a bond filed, according to the testimony before your committee it will be four years at least before the question would finally be decided by the United States Supreme Court, and the chances are that any shipper who had really been injured and is left to his only remedy in the bond won't live long enough to collect a penny, but perhaps in after years it might be distributed to his heirs in some probate proceeding long after he had passed away. [Laughter.]

Mr. WILLIAMS of Mississippi. In other words, if he went to court in order to have it collected, that he would never get anything back at all.

Mr. MANN. That is a good suggestion, and is one that was duly considered by the committee. If the gentleman will pardon me, it is quite patent—

Mr. BELL of California. The committee is no doubt anxious that I should conclude.

Mr. MANN. The committee seems to be more interested in this subject than any subject that has been up for some time, and the committee is always delighted to hear the gentleman from California. It must be quite patent to the gentleman that if the Interstate Commerce Commission should conscientiously make an order on a rate of 7 to 4 cents a gallon on wine, the court, irrespective of any power which Congress confers, would have the right to entertain original jurisdiction—

Mr. BELL of California. Undoubtedly.

Mr. MANN. Under a bill for injunction?

Mr. BELL of California. Undoubtedly.

Mr. MANN. Filed by the railroad company against putting that order into effect?

Mr. BELL of California. Undoubtedly.

Mr. MANN. And the question would be on the amount covering the difference between the rate the shippers actually paid and the reasonable rate, and after it should be determined repayment to the shipper?

Mr. BELL of California. Yes.

Mr. MANN. The court would have jurisdiction and would entertain jurisdiction to try the case on that bond to insure the repayment to the shipper. This bill does not enlarge the power of the court, but to provide a special court where the shippers



shall resort if they are called upon to pay undue freights, while the railroad companies are to protect the shippers by a bond given for excessive freights that they pay, and they would still be excessive freights notwithstanding any legislation we would enact, because the court would still be open under a bill of injunction. The State of Texas and the State of Minnesota have both tried this and they have been restrained by the Federal courts.

Mr. BELL of California. Yes.

Mr. MANN. The Supreme Court has decided against the rates which they put into effect; but if that court had decided in favor of the rates, the shippers would still be out the excessive rate which they had paid. Now, what this bill does is to protect those shippers.

Mr. SHERLEY. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Kentucky?

Mr. BELL of California. I yield to the gentleman from Kentucky.

Mr. SHERLEY. The statement made by the gentleman from Illinois [Mr. MANN] is inaccurate, because the circuit court has already decided, in a case that I can give him the style of, the Interstate Commerce Commission against the L. & N. (the Lagrange case); in that very case the circuit court required a bond that should cover all loss that might be suffered by any shippers, and in addition required a quarterly statement to be made by the railroad, showing who were the shippers and the amount they had paid. This bill, so far as it confers power on a new court, does not increase that power one iota.

Mr. BELL of California. Now, if the gentleman from Illinois will permit me to say this—

Mr. MANN. It only requires the exercise of that power.

Mr. BELL of California. There does not seem to be any difference as to the principle for which the gentleman and others upon this side contend. It has all come down, as I understand it now, to the question of form. You agree that it would be unconstitutional to attempt to confer any power upon the interstate commerce court to revise the orders or the rates fixed by the Commission. That is true, is it not?

Mr. MANN. Oh, I am not under cross-examination. I have stated my position.

Mr. BELL of California. Then if we agree upon the principles—and we are all aiming to reach the same goal and to give relief to the shippers in this country, to the farmers, the mercantile classes, the lumbermen, the stockmen—then it ought to be an easy thing for the Members of this House to get together and draw a bill in such clear and plain terms as could not possibly bear any misconstruction.

And it may be that when the author of this bill, who is much more learned than I am, comes to explain the terms of this bill, he may be able to convince us that there is nothing dangerous in this language. I say now that it seems to have a double meaning, using language that may be interpreted in two or more different ways, and that in legislation of so much importance we ought to remove every hint of vagueness or indefiniteness that can be removed.

Now, while I am on the subject I want to say—because I have expressed my suspicions here—that so far as I am concerned I have no hostility toward the railroads of the country nor toward the railroads of my State. The relations between the railroads of my State and myself, so far as I know, are perfectly friendly, and I, for one, would be one of the first Members of this House to be on my feet to protest against any movement looking to Government ownership of the railroads. I do not believe in that. In my mind there is but one evil worse than Government ownership of the railroads, and that is railroad ownership of the Government. I will go further, and will say that I do not believe the time has come when Congress or any commission or body or tribunal created by Congress should undertake universally to fix rates. I do not believe we should attempt to rewrite the schedules of the railroads of this country.

I for one do not believe that the Commission ought to have the right, in the first instance, to institute an inquiry of its own and base a proceeding upon the result of its investigation. I would not give those inquisitorial powers to the Interstate Commerce Commission. But I do believe that we ought to have some confidence in the Interstate Commerce Commission.

And now, Mr. Chairman, I want to say something about the attack that has been made upon this Commission. Everything that human ingenuity and cunning could invent has been used to break down the confidence of the people in the Commissioners. All the faults of the law have been charged up to their account, and because they have not accomplished wonders under a deficient law, because they have not been strong under a feeble statute, the railroads say they ought to be legislated

out of office. The assaults that are being made upon the Commissioners, the persistent attempt to minimize their work and to hold them up to public scorn and ridicule, is, in my judgment, the strongest recommendation of their services and the most potent reason why they should be retained and their powers increased. This bitter attack proves, if it proves anything at all, that the Commissioners are incorruptible, for if they were not the railroads would not adopt the roundabout way of legislating them out of office, and if they were not accomplishing some public good the railroads would not notice them. The work of the Commission has been clean and conscientious and as thorough and efficient as could be expected within the limitations of the law under which they act.

If we want better results we must restore to them the power of which they were shorn eight years ago. Why, lately a most specious argument against the work of the Commission was sent through the mails to Members of Congress. Somebody pretending to be a student of economics has attempted to measure the usefulness of the Commission in dollars and cents. We can give him credit for refinement and subtlety of argument, but against this we must certainly charge up a lack of appreciation of the intelligence enjoyed by his readers. He assumes that figures never lie (forgetting, however, that men do) and hands out to us the startling assertion that the two cases in which the Commission has been sustained by the United States Supreme Court have cost the Government \$2,000,000 each. As a master of mathematics, I would suggest that he calculate the amount of money annually spent in, say, New York State in the enforcement of its criminal laws, then divide that sum by the number of men who have died in the electric chair, and fling the quotient at us as a demonstration of the tremendously disproportionate cost of preventing crime in the Empire State. And I would further suggest that he furnish the Albany legislature with the results of his demonstration, so that the criminal code of New York and all the machinery for its enforcement may be at once repealed. I have come to the happy conclusion that we have at last discovered the man who can, by mere calculation, tell us exactly what will happen when "an irresistible force comes into contact with an immovable body."

It is undoubtedly true that the decisions of the Commission have been more frequently reversed than sustained; but this is the fault of the law, not the Commission. It simply accentuates the gross imperfections of the law and the imperative necessity for amendment. It is better to strengthen your law than to permit the abusive and villifying tongues of railroad understrappers to fire your minds with prejudice against high and trusted officials of the Government, selected by the Chief Magistrate of the country with a special eye to their fitness and integrity. So far as the reversals of the Commission are concerned, if we will give the Commission a decent law to lean on and then compel the railroads to try their cases before the Commission we will overcome much of this source of objection. The Commission should constitute the trial court in the fullest sense of the term, and in proceedings to review their action the appellate court should be restricted to the record. Why should the Commission be treated differently from any nisi prius court in this particular? It is not sufficient to reply that a commission may err. Any trial court may err. A jury may err, where it is called upon to determine conflicting rights to property, or even in a case involving the taking of human life. Yet it is not the province of an appellate court to retry the issue, but simply to decide on review whether such mistakes have been made as amount to error in law.

Surely a railroad rate is no more sacred than human life. Right here we find one of the chief vices of the railroads' contention. They want us to assume that rate making stands in a class all by itself; that it is a thing that traffic managers alone are qualified to understand. No doubt it is a matter requiring peculiar and technical knowledge, but while that may add to the difficulties of the case it does not affect the wisdom or propriety of leaving it to some special tribunal to decide whether a rate is just or reasonable. It requires peculiar and technical knowledge to determine the line between sanity and insanity, but every day some trial judge or petit jury decides this grave question, and upon its decision human liberty or human life may depend. Again, the railroads assume that they are not going to get a square deal before the Commission; but such a plea should have but little weight with us in creating a tribunal for the trial of rates. Every common offender that is haled into court firmly believes that the court has prejudged his case. His philosophy is founded on the argument that the court, having been constituted to punish infractions of the law, it will naturally be against him because he is accused of an unlawful act. The railroads carry this philosophy to even greater lengths when they assert that we can not constitute a tribunal fair



enough and just enough and intelligent enough to try a rate schedule when it is formally placed on its trial.

Now, my idea of a commission is this: It should be a tribunal comprising five or seven men, appointed with a view to their special qualifications, to decide the questions likely to be submitted to them, a tribunal before whom the public and the railroads may meet on terms of equality to have their disputes settled with impartiality and justice, leaving it, of course, to some higher court to interfere whenever the commission may exceed its jurisdiction or fail to do substantial justice between the parties. When this is done neither the public nor the railroads will have any just ground for complaint. The railroads say that if you exercise a restraining power over rates you will "disturb business." No doubt you will. When you drag a horse thief into court undoubtedly he feels that you are "disturbing his business." To collect an unjust or unreasonable rate is as clearly unlawful as it is to steal a horse, and why should it not be tried and condemned in the same manner, without regard to the "disturbance" that the proceeding may occasion? Some way lately whenever you try to uproot some existing evil the cry goes up, "Why, you will disturb business!" and straightway a lot of well-intentioned and honest people line up in opposition to the reform.

Before I conclude, Mr. Chairman, I desire once more to call the committee's attention to the language of President Roosevelt. He says that when the Interstate Commerce Commission has fixed a reasonable rate the revised rate should "at once go into effect and stay in effect unless and until the court of review reverses it." Is there any man in this committee ingenious enough to point out any similarity between the Hepburn bill and the President's recommendation? Not only is there no similarity, but the Hepburn bill differs in many essential features from the President's recommendation. Under the Hepburn bill the rate that is fixed by the Commission will not go into effect at once and remain in effect until and unless reversed by the court; but, to the contrary, it is specially provided that the Interstate Commerce court may suspend the order of the Commission upon the railroads filing an indemnifying bond. Thereafter the railroads may continue to collect their own rates until, after several years, the court of final resort may have sustained the Commission, when the rate will be changed, if all necessity for change has not long passed away, and the poor shipper and his fellow-sufferers left entirely to their remedy on the bond and given the great privilege of spending a few more years in proving and collecting their damages. I will say to the chairman of the Interstate Commerce Committee [Mr. MANN] that whenever you will bring in a bill that carries out the recommendation of the President of the United States, as contained in his last message, you will find every Democrat upon this side of the House giving you his strongest support; but we do not propose to write another law worse than the law of 1887.

The gentleman from Kansas [Mr. Scott] says this is a nonpartisan question. Let it be a nonpartisan question. It ought to be nonpolitical. I trust that it will be nonpartisan to such a degree that when the Hepburn bill is reported from committee we will be allowed every opportunity for amendment and debate. I have noticed one thing since I became a Member of the House, that very often when the majority presents a measure that ought to be amended, and you think there are enough votes over here to put with your dissenting votes over there to pass some advisable amendment, something which the people seem to want and the majority of Representatives seem to want, then you bring in a gag rule entirely shutting off proposed amendments and say to your Members: "You have got to swallow the whole thing or else go over to the Democrats and be guilty of defeating the whole thing." I do not know what will be the rule in this case, but I express the earnest hope of this side of the House that when you get the Hepburn bill here, or any other bill on this subject, you will throw it wide open for debate and amendment. We are a representative assembly, and we ought to have the power, if a majority of our membership desires to exercise that power, to offer and submit to this body an amendment to be passed upon by the House.

The Hepburn bill without amendment should never become a law; but it is barely possible that it may be so perfected by alterations and changes that it will be agreeable to both sides of the House, and that we may be able to agree upon a measure of universal importance without the slightest reference to political divisions, and thus demonstrate to the people at large that in matters affecting the public good we can meet and act upon common ground. I thank the committee for its patience. [Loud applause.]

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the

Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

- H. R. 7000. An act granting an increase of pension to John White;
- H. R. 13241. An act granting an increase of pension to David Deardourff;
- H. R. 5997. An act granting an increase of pension to James Hammonds;
- H. R. 4627. An act granting a pension to Annie Young;
- H. R. 6354. An act granting an increase of pension to George M. Simmons;
- H. R. 14919. An act granting a pension to Kearney May;
- H. R. 9939. An act granting an increase of pension to Martha Higgins;
- H. R. 15190. An act granting an increase of pension to James M. Paul;
- H. R. 15686. An act granting an increase of pension to Anna A. Dunn;
- H. R. 13658. An act granting an increase of pension to Henry Smith;
- H. R. 8917. An act granting an increase of pension to Michael Marx;
- H. R. 15244. An act granting an increase of pension to Rebecca V. Mackenzie;
- H. R. 14936. An act granting an increase of pension to James T. Wolverton;
- H. R. 3831. An act granting an increase of pension to John W. Hartley;
- H. R. 11090. An act granting an increase of pension to Joseph Reese;
- H. R. 130. An act granting an increase of pension to Washington I. Cook;
- H. R. 4242. An act granting an increase of pension to Annie M. Wallace;
- H. R. 11492. An act granting an increase of pension to Samuel B. Bartley;
- H. R. 12818. An act granting a pension to Nichols M. Brockway;
- H. R. 12254. An act granting an increase of pension to Matthew H. Bevan;
- H. R. 15762. An act granting an increase of pension to James L. Olmsted;
- H. R. 14662. An act granting an increase of pension to Aaron Fanshaw;
- H. R. 1901. An act granting an increase of pension to Warren F. Barnes;
- H. R. 11015. An act granting an increase of pension to Joseph Wardle;
- H. R. 1286. An act granting an increase of pension to John Brasch;
- H. R. 2993. An act granting an increase of pension to Lewis Townsend;
- H. R. 14889. An act granting an increase of pension to Alfred W. Dearborn;
- H. R. 11016. An act granting an increase of pension to Samuel P. Short;
- H. R. 9696. An act granting an increase of pension to Henry S. Austin;
- H. R. 9621. An act granting an increase of pension to William Lance;
- H. R. 14790. An act granting an increase of pension to Napoleon B. Wing;
- H. R. 10360. An act granting an increase of pension to Mary Flynn;
- H. R. 4942. An act granting an increase of pension to Adam Hand;
- H. R. 2476. An act granting an increase of pension to Sampson T. Grove;
- H. R. 1491. An act granting an increase of pension to Martin L. Pembleton;
- H. R. 968. An act granting an increase of pension to Charles W. Young;
- H. R. 963. An act granting an increase of pension to Ava D. Benjamin;
- H. R. 606. An act granting an increase of pension to Vincent M. Cartwright;
- H. R. 1324. An act granting an increase of pension to Thomas Skidmore;
- H. R. 1445. An act granting an increase of pension to John Ellis;
- H. R. 2469. An act granting an increase of pension to William Stone;
- H. R. 14635. An act granting an increase of pension to Alexander Moore;
- H. R. 15872. An act granting an increase of pension to Marvin Welton;

H. R. 7987. An act granting an increase of pension to Francis Scott;  
 H. R. 2946. An act granting an increase of pension to Albert Webb;  
 H. R. 2046. An act granting an increase of pension to Peter W. Kreeger;  
 H. R. 5286. An act granting an increase of pension to Obadiah J. Merrill;  
 H. R. 4927. An act granting an increase of pension to Eugene P. Tewksbury;  
 H. R. 9552. An act granting an increase of pension to Peter Williams;  
 H. R. 9553. An act granting an increase of pension to Hattie L. Rich;  
 H. R. 13910. An act granting a pension to Henry E. Wright;  
 H. R. 10680. An act granting an increase of pension to Samuel B. Coe;  
 H. R. 9824. An act granting a pension to William Hayes;  
 H. R. 15308. An act granting an increase of pension to Francis M. Prewett;  
 H. R. 8049. An act granting an increase of pension to John S. Parker;  
 H. R. 17241. An act granting an increase of pension to David A. Miller;  
 H. R. 13082. An act granting an increase of pension to William E. Wheeler;  
 H. R. 5383. An act granting an increase of pension to Samuel Shafer;  
 H. R. 5153. An act granting an increase of pension to Jonathan Stewart;  
 H. R. 7074. An act granting an increase of pension to Jesse Sims;  
 H. R. 16109. An act granting a pension to Alice W. T. Groesbeck;  
 H. R. 15871. An act granting an increase of pension to John Leonard;  
 H. R. 14489. An act granting an increase of pension to John M. Porter;  
 H. R. 8708. An act granting an increase of pension to David C. Posey;  
 H. R. 4322. An act granting an increase of pension to Francis M. Hay;  
 H. R. 666. An act granting an increase of pension to Eva M. Kingsbury;  
 H. R. 5884. An act granting an increase of pension to Samuel K. White;  
 H. R. 5951. An act granting an increase of pension to Joseph M. White;  
 H. R. 9906. An act granting an increase of pension to Thomas P. Dunn;  
 H. R. 15344. An act granting an increase of pension to William B. Atwater;  
 H. R. 15722. An act granting an increase of pension to David Guthrie;  
 H. R. 16807. An act granting an increase of pension to Elmer C. Jordan;  
 H. R. 16809. An act granting an increase of pension to Patrick Cotter;  
 H. R. 6310. An act granting an increase of pension to Robert Clarke;  
 H. R. 16348. An act granting an increase of pension to Johnson Anderson;  
 H. R. 15850. An act granting an increase of pension to Samuel Shadman;  
 H. R. 16715. An act granting a pension to Helen Calver;  
 H. R. 16481. An act granting an increase of pension to Frederick M. Halbritter;  
 H. R. 5243. An act granting an increase of pension to Hiram Qualk;  
 H. R. 16506. An act granting an increase of pension to Samuel B. Gray;  
 H. R. 5821. An act granting a pension to Mary A. Johns;  
 H. R. 16683. An act granting a pension to Jesse Peters;  
 H. R. 15893. An act granting an increase of pension to James A. McClung;  
 H. R. 16173. An act granting an increase of pension to Allen Riggs;  
 H. R. 4900. An act granting an increase of pension to Sarah Hodgson;  
 H. R. 4595. An act granting an increase of pension to Charles D. Fortney;  
 H. R. 16194. An act granting an increase of pension to James Gwyn;

H. R. 3373. An act granting an increase of pension to Jacob Cochran;  
 H. R. 132. An act granting an increase of pension to James P. Griffith;  
 H. R. 16483. An act granting an increase of pension to James H. Silcott;  
 H. R. 5822. An act granting an increase of pension to Eveline V. Ferguson;  
 H. R. 16480. An act granting an increase of pension to Preston Glover;  
 H. R. 9860. An act granting an increase of pension to Augustus Colvin;  
 H. R. 4169. An act granting an increase of pension to Thomas J. Brooks;  
 H. R. 15760. An act granting an increase of pension to John W. Strayer;  
 H. R. 13620. An act granting an increase of pension to Silas W. Squires;  
 H. R. 9774. An act granting an increase of pension to James M. Prince;  
 H. R. 16108. An act granting an increase of pension to Andrew S. Ray;  
 H. R. 16303. An act granting an increase of pension to Joseph W. Tyler;  
 H. R. 15660. An act granting an increase of pension to Jacob R. Sharretts;  
 H. R. 4552. An act granting an increase of pension to Orin P. Stoffer;  
 H. R. 2781. An act granting an increase of pension to Alta Mira Parsons;  
 H. R. 15864. An act granting a pension to Margaret La Parle;  
 H. R. 16259. An act granting an increase of pension to John Walz;  
 H. R. 4676. An act granting an increase of pension to James B. Judson;  
 H. R. 16263. An act granting an increase of pension to Llewellyn Niles;  
 H. R. 16594. An act granting an increase of pension to Jacob A. Kryer;  
 H. R. 16053. An act granting an increase of pension to Florence Emery Blake;  
 H. R. 2191. An act granting an increase of pension to William C. Pollard;  
 H. R. 16666. An act granting an increase of pension to Alfreda B. Coburn;  
 H. R. 13170. An act granting an increase of pension to Ruth M. Shepley, now Haskell;  
 H. R. 4194. An act granting a pension to Elizabeth Neilan;  
 H. R. 3286. An act granting an increase of pension to Jacob F. French;  
 H. R. 4873. An act granting an increase of pension to John McKenzie;  
 H. R. 3002. An act granting an increase of pension to Samuel Tillinghast;  
 H. R. 723. An act granting an increase of pension to Thomas Smart;  
 H. R. 16894. An act granting an increase of pension to Jeremiah Connor, alias James Boone;  
 H. R. 1573. An act granting an increase of pension to Cyrus Hurd;  
 H. R. 15782. An act granting an increase of pension to Charles H. Warner;  
 H. R. 15781. An act granting an increase of pension to Granville F. Plummer;  
 H. R. 15786. An act granting an increase of pension to Horatio W. Longa;  
 H. R. 15783. An act granting an increase of pension to Charles J. Richards;  
 H. R. 15784. An act granting an increase of pension to Joseph Wingate;  
 H. R. 15930. An act granting an increase of pension to William H. Cray;  
 H. R. 8859. An act granting an increase of pension to Charles J. Esty;  
 H. R. 16171. An act granting an increase of pension to Sarah D. Tarver;  
 H. R. 16904. An act granting a pension to Louis Sherard;  
 H. R. 15892. An act granting an increase of pension to Martha F. Field;  
 H. R. 16172. An act granting an increase of pension to Georgia A. Warren;  
 H. R. 16157. An act granting an increase of pension to Charles W. Martin;



H. R. 15030. An act granting an increase of pension to David Rothschild;  
 H. R. 17093. An act granting an increase of pension to Felix Monaghan;  
 H. R. 14140. An act granting an increase of pension to William Y. Clinton;  
 H. R. 16260. An act granting an increase of pension to Frederick Hark;  
 H. R. 16199. An act granting an increase of pension to Joseph McGuckian;  
 H. R. 16124. An act granting an increase of pension to John Morgan;  
 H. R. 10712. An act granting a pension to Henrietta Weidner;  
 H. R. 16945. An act granting an increase of pension to Alvin B. Franklin;  
 H. R. 16087. An act granting an increase of pension to Harriet H. Brady;  
 H. R. 16704. An act granting an increase of pension to Michael Lewis;  
 H. R. 15855. An act granting an increase of pension to Loren Austin;  
 H. R. 15733. An act granting an increase of pension to Peter Horth;  
 H. R. 3799. An act granting a pension to Emma Cortright;  
 H. R. 15732. An act granting an increase of pension to Edwin O. Pierce;  
 H. R. 5123. An act granting a pension to Maria Eldred, formerly Maria Olmstead;  
 H. R. 16387. An act granting an increase of pension to Sarah F. Mathison;  
 H. R. 16141. An act granting an increase of pension to John Parks;  
 H. R. 16077. An act granting an increase of pension to Andrew J. Clark;  
 H. R. 16442. An act granting an increase of pension to Catherine E. Ray; and  
 H. R. 16125. An act granting an increase of pension to Eugene C. Moger.

#### AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. WADSWORTH. Mr. Chairman, I yield twenty minutes to my colleague, the gentleman from New York [Mr. DOUGLAS], and at the end of his speech I shall ask for the closing of general debate.

The CHAIRMAN. The gentleman from New York [Mr. WADSWORTH] has only five minutes remaining.

Mr. WADSWORTH. Then I will yield the gentleman five minutes.

The CHAIRMAN. The gentleman from New York [Mr. DOUGLAS] can take the floor in his own right. The gentleman from New York is recognized.

Mr. DOUGLAS. Mr. Chairman, it is very evident from the debate to-day that a sincere interest has at last been aroused in this House in connection with freight-rate discrimination by our great railroads and it is wise we bestir ourselves, as beyond doubt public opinion throughout the country is much in earnest on the question, and our people demand, and rightly, that proper laws shall be placed on the statute books to the end that favoritism no longer shall exist and that large corporations will henceforth not be able to secure private rebates to the detriment of smaller shippers. Also, that the railroads shall be prevented from favoring one locality over another.

I am thoroughly in sympathy with these propositions and will be pleased to vote for the most stringent laws to rectify existing conditions. I desire to say, however, that I did not rise to speak on this subject, but to point out to the House that I have heard no voice raised as yet this session in connection with the equally important subject of what shall become of the freight of our country when it reaches the seaport for shipment abroad, and I unhesitatingly say that rate discrimination against America on the ocean is as bad if not worse than such discrimination on the land, and it is time we also take up this issue, as we are now absolutely controlled by alien interests to our detriment as a commercial country.

We hold, as a nation, the proud position of the greatest manufacturing, industrial, agricultural, mining, and timber producing country in the world; also rank among the largest exporting and importing people, sending our goods abroad to every land and taking their products in return, and yet, notwithstanding our former prestige on the ocean and the great natural advantages we possess, we are called upon to face at the beginning of the twentieth century the humiliating fact that we have allowed our shipping to decline until but a

small percentage of this vast commerce is carried to or from our seaports in ships which fly the American flag.

No wonder all classes of our people are stirred up and their eyes are turned to Congress, hoping this session will not close without having enacted proper legislation to remove this stain on our honor and bring about a general revival of our deep-sea shipping, thereby fostering and encouraging as well the up-building of our shipyards and the extra employment of labor.

We should also authorize at once by special act the establishment of combined mail and freight routes to foreign countries, which action has become imperative if we wish to conserve and increase our fast-growing commercial interests.

The vessels under said contracts, and those that receive a general subsidy, should be subject to Government call for army and navy requirements in case of war or any public necessity.

There should also be a law providing that during times of peace the Government must use, at least as far as is practicable, merchant vessels for its transport service and other requirements, so as to encourage our shipping interest, instead of directly entering into competition with it as is the case at present.

These questions go hand in hand, and as there is beyond doubt a strong growing public sentiment back of the demand that no further delay should be tolerated, prompt action will undoubtedly be pleasing to the American people. There has been far too many years of waiting, procrastination, and continued broken promises on the part of both political parties, and it is most satisfactory to feel that at last Republicans and Democrats alike seem to realize the gravity of the situation and are now willing to do justice to a trade which with proper aid can within a few years be made to become a great industry both on sea and land, adding to the wealth of our people and the dignity of our nation. If the decadence of our merchant marine was due even in a slight degree to our lack of business enterprise, the unwillingness of our merchants to protect their just heritage on the ocean, or the want of courage of our citizens to invest their capital, if they were given a fighting chance to benefit, by engaging in a pursuit so honorable and one which was so generally and successfully handled by our forefathers (our merchant fleet at one period having been the envy of the rest of the world), there might be a proper hesitation on the part of those who have stood up under so many adverse circumstances for the rights of American shipping in making an appeal for national aid through Congressional action. As, however, the unsatisfactory and dangerous position in which we find ourselves is owing to our failure as a nation to follow others in their adoption of various measures to build up this industry, and to restrictive laws passed years ago by this body and the Senate, it seems eminently fitting that relief should be sought through the same source, and from Congress, which in the face of known continual and visible yearly decay in our shipping has deliberately ignored a situation that all have admitted for many years had to be corrected at some period.

You have with cowardice allowed the clamor of those who were afraid of the word "subsidy" and the cry of "class legislation" to influence your judgment, or have listened to the insidious and false arguments of men who were aliens themselves or allied with foreign interests naturally inimical to American welfare, to lull your conscience to sleep, but it is time we should awake, do our duty, and grant justice to our deep-sea shipping trade. The American ships still struggling for existence are mostly old and unfit for service, and as few are being built to replace them we will beyond doubt shortly witness a practical extinction of what should be a great trade with us, if action is much longer deferred.

The history of the last fifty years and the loss of our carrying trade on the high sea will always be sad reading to the lover of his country's enterprise and advancement when it is contrasted with our unparalleled development and growth in practically all other pursuits, which have been more fortunate in receiving fostering care and judicious legislation in their behalf. The various causes for this sad position have been amply covered and discussed, freely and fully argued, and so clearly presented by writers and experts who have closely examined the issue, including the late Commission authorized by Congress, all of which information is open to those who wish to study the question, that it appears superfluous to go to any extent into these features at this late date. What the nation, and presumably Congress, desires is to have presented remedies, and prompt ones, which will afford the most desirable and likely methods for immediate relief.

As we all know, an American citizen can not buy or have built abroad a ship and register her under the flag of his country, thus securing the protection of his Government in his search for business.

This may have been a desirable restriction at the time of enactment, when we hoped to secure thereby various other advantages, including the upbuilding of our own shipyards, but it has proved a serious hamper for many years, and especially since iron and steel vessels replaced the wooden ship, enabling other nations, notably England, to forge ahead, they having the required yards, men, material, and the knowledge how to build this class of vessel economically and cheaper than ourselves, which condition still holds good. During the past fifteen to twenty years it is doubtful, always remembering that vessels purchased abroad and sailed by our citizens under alien flags could not engage in our coastal trade, whether we should have been helped to any great degree if the law had been changed, other countries having secured too great a start of us, and the fact being well established by the hard lesson of experience and loss that we could not man and sail an American ship under the laws governing, "as to wage and maintenance," except at an extra expense over other countries of about 33½ per cent.

If our people, however, could have exercised the privilege of buying in the cheapest market earlier and before freight competition became so keen they would presumably have done so quite freely, and the owners of these vessels seeking business would likely have established trade routes and prevented other nations from covering this field; our tonnage also being of more value its owners would have had a better chance in asking for protection, and thus have saved us in part from our present wretched status.

Some still look to free ships as the Mecca and hope by which our position may be recovered, but most American experts do not agree and the proposition hardly commends itself to us, as the chief advocates of such legislation are aliens representing foreign interests or American agents of foreign shipping. I hold that few vessels would likely now be purchased and placed under our flag if the law was abrogated, unless such action was coupled with a further incentive, and that ships so secured might benefit, at least in part, by any subvention that was paid, or could be used as temporary vessels under mail contracts which may be established by law. There are, of course, a few trades left which require the ownership of tonnage for special needs, but this would not add largely to our fleet, nor would such class of ship be suitable for general commercial purposes. It is unfortunately found on investigation that most of our trade routes to the world's markets are now covered by regularly established alien lines, and the United States has long been, and is to-day, the great harvest for foreign shipping, the alien steamship owner being keenly alive to the desirability of taking the initiative whenever an opening presents. This condition has gone on too long for our home benefit, and American ports should at once be safeguarded, so far as is possible, for the future, and steps taken by the Government to furnish the necessary aid to regain what has been lost by establishing lines in directions where there is a reasonable prospect of successfully building up our commerce, thus securing to us a fair portion of this lucrative business.

It is probable that the lines already running can not be driven out entirely, and we will assume that this is not absolutely essential, at least for the present, as we can not expect that our enormous and rapidly increasing export and import tonnage can be carried entirely in American ships, but we should not rest content until, say, 60 to 75 per cent of the trade is again restored to us.

Would England, France, or Germany tolerate American companies running regularly from their ports to their own colonies and elsewhere carrying 95 per cent of their products, reaping the benefit of the freight profit and usurping their people's just rights? We can reasonably assume these nations would not sit idle under such conditions, but would rather quickly adopt the necessary expedients to change so unpleasant a situation, and yet we are to-day in that position still debating the question, and apparently hesitating as to the absolute necessity for action. If we go back even ten years we will find that the bulk of the Australian, New Zealand, South African, China, and Japan business, and a considerable portion of the South American, Central American, and West Indian trades from our various ports were carried in ships loaded by American houses (mostly sailing vessels), and while our merchants did not as a rule own the vessels, only chartering them for the voyage, and but few were of American build, yet we controlled the business, and allowing for fair commercial rivalry our people realized a reasonable compensation for their enterprise.

The foreign steamship owner recognized even sooner than ourselves the steady growth and development of our export interests, and determined to possess this valuable asset and remunerative business for their ships. They owned, and from experience could charter and handle more reasonably than ourselves

the necessary tonnage required, the tramp steamer of low speed but large carrying capacity, which vessel can be run almost as cheaply as a sailing ship, and naturally as a rule receives from shippers a preference over the sailer.

It was unfortunately, therefore, only too easy under our laws to have all we had built up swept away when the alien steamship owners, not content with the profit derived from chartering their vessels to us, turned their covetous eyes on the splendid opening which presented and came here themselves, forcing us out of the business, you might say, almost over night. We had previously had taken away from us the great Atlantic traffic, and now practically nothing is left for our own citizens. These lines, built up mostly during the period named, now honeycomb our eastern and southern ports, and the same condition being almost identical on the Pacific coast, our carrying trade is absolutely dominated.

I wish to point out here that in many cases these foreign lines load to colonies identified with their home country, from where they have long had regularly established mail routes, in several instances receiving large subsidies, and this has made it the easier for them to accomplish their purpose. They have their connections formed, the same merchants trading in American goods being shippers by their home lines, their agencies at ports of destination are arranged, and what is of greater importance their steamers under plans long perfected are able to secure homeward cargoes, such as grain, wool, fruits, and frozen meats from Australasia and the River Plata, where they control large meat plants, and similar conditions exist in other directions, all of which advantages American lines will be debarred from for a time at least, having to return from the foreign port in ballast or seek trade elsewhere, as our country's requirements do not at present warrant the importation of many of these commodities taken so freely by European nations, especially England.

Such facts it is well to make clear to Congress, so as to show the serious obstacles we have to labor against and the disheartening condition to combat. These lines, being well established and daily acquiring a stronger foothold, it can be seen we are more heavily handicapped than those unacquainted with the position realize, who only know of the extra cost of our ships and the higher expense of sailing them, and the report of the Commission admits that they considered these facts solely in their compensation as established, it being further understood that our vessels must depend upon fair freights outward to make the trade route a paying one to the contractors.

We might as well, therefore, frankly agree that it will practically be an impossible task for individual owners, or even large corporations, to successfully compete against our rivals, unless we are given generous Government aid to offset such adverse surroundings.

Our only hope and salvation, therefore, rests with Congress, and the longer help is delayed the larger will be the amount that must eventually be paid to rectify the present evils.

Many glaring illustrations could be given of the likely breach of our laws, and the absolute breach of our national hospitality that these alien lines have adopted and are using to break down the scant remnant of shipping we have left, and our merchants working against them are subjected to all kinds of persecution, discrimination, and threats if they do not fall in with the wishes of these foreign owners, who are gradually sucking out the lifeblood of our American shipping, preventing trade competition and building up trusts and monopolies on the ocean.

They are introducing foreign methods and systems in our midst inimical to American interests, and apparently fail to realize they are doing a freighting business at our ports by our courtesy and indulgence, but have grown arrogant trading on our past neglect and indifference, and it is time that they were taught a salutary lesson. They have their paid newspapers and periodicals, and their agents and emissaries are members of all leading exchanges, chambers of commerce, and commercial bodies, where they quietly—or openly, when they dare—plant the seeds of discord, smother committee reports, cry out for free ships, down with subsidies, or take up any issue likely to help them in their desire to put off and retard the day of our redemption, which, however, must finally come.

To prove the magnitude of this business in several directions, I would state that during the year 1904 there was loaded for the Australasian colonies 29 steamers of a capacity of about 250,000 or 300,000 tons measurement; to South Africa, 1903, 72 steamers of about 425,000 or 450,000 tons measurement capacity; to South America, 266 steamers of about 1,000,000 tons measurement capacity. There was also loaded for Australasia, 1904, 25 sailing vessels of 90,000 tons measurement capacity, and to South America, 1903, 46 sailing vessels of 60,000 tons



measurement capacity, and similar statistics could be given of other countries with which we exchange commodities.

These examples will be sufficient to show how large our trade is growing to be. Only one or two of the sailers or steamers of the entire number were American built or flew the American flag.

Few of us conceive the magnificent opportunities afforded in South America alone, and the as yet undeveloped wealth of Argentina and Uruguay, with their great cities of Buenos Ayres and Montevideo, on the River Plata. Paraguay, Chile, Peru, and great Brazil and other portions of South America also are now coming to the front as large importers of foreign merchandise, and some \$800,000,000 in value are taken by these countries yearly. We hold but an infinitesimal share of this great trade, having sold to all of South America only about \$50,000,000 last year. In South Africa we do somewhat better, also in Australia and New Zealand, notwithstanding that South Africa and New Zealand have adopted a scale of differential duties against American goods and in favor of the home country and sister colonies. South Africa, with its immense gold reefs, destined undoubtedly to turn out more of the precious metal than any other country in the world, now that the government has authorized the bringing of some 60,000 to 75,000 Chinamen to the Transvaal to work their mines, will grow rapidly in population and trade, and we should do our utmost to foster and increase our business there.

It is said, and truthfully, that our commerce is not suffering seriously at present, even if our pride is, and that the countries named as illustrations and others are well covered by the established foreign lines; that rates of freight, owing to present competition, are extremely low, in fact lower than similar classes of goods are being carried from England or the Continent, and we can safely let well enough alone. Such shortsighted, unpatriotic, and suicidal policy will commend itself to no wellwisher, however, of our country, or those who realize the danger in case of European wars and the sudden withdrawal of even a portion of these vessels, to say nothing of our need for such a fleet of our own should emergency arise.

We can also expect that so soon as the English, German, and Italian interests, now contesting fiercely for this bonanza, have settled their differences that rates will be heavily advanced, as these lines are not run by philanthropists, but by shrewd business men, who have come here to secure greater wealth for themselves, and our interests will then materially suffer, as it is absolutely essential in these days of competition that the freight rate shall be low, or at least on a parity with other nations to any given port, as the difference of even 2 or 3 per cent in the landed cost of merchandise in a foreign market is apt to take the order away from us.

During the past few years there has been endless contests between the alien lines running to foreign ports, which condition still prevails in the South African, South American, Australian, and New Zealand trades from New York, brought about by rivalry between themselves or the endeavor of further ambitious shipowners to push their way into these trades, each line contesting for the commanding position. This has resulted in heavy cutting of rates, often far below the charter cost of steamers or sailers or the cost of running owned vessels. The loss of money has been heavy, and shows the great importance which is attached to these trade routes by foreign interests, who seem willing to make any sacrifice to secure their permanent foothold.

Considerable feeling has been aroused in England and elsewhere against the lines who thus unwillingly have discriminated for a time against their own people, and numerous protests have been made abroad, and in England the question has attracted so much attention as to lead to its discussion in Parliament. We will have no redress if we allow a permanent monopoly of our ports when our turn comes, and American merchants and manufacturers are persistently and flagrantly overcharged by alien lines, as has been done to some extent in the past, and our only salvation can come from open competition and protection under our own flag.

I shall not discuss the extent that the great maritime nations subsidize their shipping under one plan or another by direct or indirect means, but I am satisfied that far greater aid is rendered than is generally known or our reports show. Sufficient proof has been forthcoming to establish the fact that the four great owners of tonnage, England, France, Germany, and Italy, do largely subsidize, expending millions yearly under the plea of mail lines or in other ways, and it is also known that the English Government has gone so far as to loan at a low rate of interest and for a long period of time enormous sums of money to the Cunard Line to build fast steamers, so that this company will continue to hold a commanding position in the Atlantic trade.

Germany aids and encourages her shipping by numerous methods, and it is claimed has private contracts with some of the larger lines.

It is also well understood that said Government, controlling the railroads, grants favorable and low inland freight rates to her manufacturers, and that she requires her bankers to afford reasonable financial aid to her merchants and exporters.

Well-posted shipping authorities admit that the proof from experience gained has shown that given a sufficient basis of trade on which to start a mail line it pays well in the country's interest and commercial advancement to grant proper government subvention, and it is well understood England has adjusted her compensation to the end that contractors would also be able to place on the mail lines established the slower freight-carrying boat to take out the weighty and bulky cargo and cheap class of merchandise, the faster mail steamer meanwhile building up passenger business and carrying the close-packed and valuable cargo which can pay a higher freight.

Even our neighbor to the north, Canada, with but 5,000,000 people, her manufacturing industries only just starting and her export trade as yet but small, recognizes the principle that it is necessary to foster and extend her operations on the ocean by commercial subvention as well as developing and opening her vast territory by aiding the building of railroads, and she has adopted and is proposing, it is understood, to still further create mail and freight lines by subvention to her own sister colonies and other ports of sufficient importance. It is well known that she has subsidized a monthly line to South Africa, and considers it a paying venture. The amount expended is £30,000 per annum, or, say, \$150,000, for a monthly service, with no restrictions as to size of steamer, but a speed limit of 11 knots, the contract calling for a portion of the vessels to be arranged for cold storage, to the end that her dairy, fruit, and meat products may be safely landed in African ports. Her wisdom in taking this matter up is shown by the fact that these steamers are going fully loaded, carrying cargoes of grain, flour, sump, meal, hay, canned goods, lumber, carriage ware, agricultural implements, and many other classes of articles, all of which, if exported at all, two years ago had to find an outlet at our ports, coming through in bond. This success proves her foresight, and surely we will not be behind her in enterprise.

It is further an established fact that a number of American manufacturers, owing to the differential tariff in certain English colonies in favor of home goods, or goods manufactured in other British colonies, have crossed the border and started factories in Canada to the end that they may ship their goods from Canadian ports, thus securing on arrival in the foreign port the preferential, which is taking trade away from our manufacturers also freight from our ports, and it seems well to call the attention of Congress to this fact, as undoubtedly, if something is not done to prevent, many other factories will also cross the border and establish branches, to our detriment and the loss of employment to our wage-earners. This kind of reciprocity with Canada can certainly do us no good.

There is also no reason why merchants wishing to trade with this country who live in South America, Africa, or elsewhere, should have to go first to England or Germany and then cross the Atlantic to reach our shores. With reasonable steamer service which can and will be built if we are wise, and with the prospect of having the Panama Canal to pass through inside of ten years, we should attract all these people directly to our shores, correspondingly benefit and add immensely to our advantages as a selling nation. Many customers who now go to England and the Continent intending to visit us are deterred from so doing owing to the nondesire to take the extra required trip back and forth, especially in the winter season, with loss of time and heavy expenditure of money, and we lose their patronage, besides what might be spent in pleasure in our land. It is said one or two American ships only passed through the Suez Canal last year. Shall we build the Panama Canal entirely for the benefit of others, or will we prepare ourselves to reap our fair share of advantages which must result from the opening of this great waterway for the world's commerce? If we intend to do the latter we have no time to waste in taking the necessary initial steps. [Applause.]

The conditions we have to meet to rehabilitate our shipping are generally recognized as follows:

First, the higher cost of construction, which, while admitted as a fact, the real difference is most difficult to arrive at, and there is a great diversity of opinion, much depending upon the class of vessel to be built. Taking, however, the tramp steamer, and figuring on a vessel of, say, approximately 6,800 tons weight capacity and 7,200 tons measurement space, with a speed of 10 to 11 knots an hour, and a daily coal consumption of about 25 tons, the cost abroad at present of such a vessel



would be, nominally, \$200,000, and it is doubtful if a similar ship could be contracted for to-day in our market at less than \$325,000 to \$350,000. Prices abroad, it is true, are at present abnormally low, owing to dull trade and builders being willing to take contracts at most any figure to keep their yards occupied. The wonderful cheapness with which England and Germany can build her freight or tramp boat is hardly appreciated. Figuratively speaking, they turn them out by the mile, cut them off in sections, join them together, put in the necessary machinery, and the steamer is ready for use. This is called by some "standardizing."

Naturally, if you build ten vessels of one class it can be done cheaper than one vessel, or fifty of a special type enables the builder to cut the cost more heavily. Our manufacturers have readily learned this lesson of success, and their increased output has enabled them in certain industries to so cheapen the product as to compete with the world, which seemed impossible only a few years since.

European builders have made a study of these matters and a specialty of building at certain yards a uniform class of boat, while our ship plants have not had the opportunity to do this, and are therefore at a great disadvantage; but we will undoubtedly be able to change this if we adopt proper measures to bring the necessary and regular work to our yards. This accomplished, our national ingenuity will soon teach us how to cheapen the output, and if our tariff laws and trust methods are altered, as they should be, so that our builders can secure their iron and steel plates, etc., at much less rates than they are able to purchase at present, the difference in cost of building should entirely disappear in a few years.

Secondly, we have to meet the extra cost in wages, also higher maintenance, as our seamen are better fed and quartered than those of other nations. These conditions there appears no way of altering, as we certainly do not desire to cut down the living which is none too good even on an American ship; and any disinterested party acquainted with the wage question will admit that the highest current figure is none too great. There is little enough inducement as it is to allure our young men to adopt a seafaring living, and we must rather do something to make it more attractive than otherwise.

Thirdly, there is the extra interest charge on the outlay for the boat and the higher cost of insurance, but these items will adjust themselves in time.

Fourthly, we have to meet the timidity of capital to venture into a field which has proved so unremunerative in the past, and the fact that our bankers have not readily loaned money on ship property, but this again is a transient condition, and so soon as it can be proved that vessel ownership will pay, capital will flow to the business, but Congress must start the machinery.

On careful investigation it seems hard to find where the real opposition to necessary relief comes from, and those in Congress who oppose, thinking they are doing so because the people desire it, I believe never made a graver mistake on any great national question.

Certainly the far Eastern States, who still cherish the memory of their splendid whaling fleets and former lucrative West Indies trade, wish to see the American flag again on the ocean. The Middle States, including the great shipping emporiums of New York, Boston, Philadelphia, and Baltimore, with their knowledge of the advantages to be derived therefrom, must desire it. Can it be claimed that the South, with its magnificent coast line and certain upbuilding and increasing wealth, through the creation of a merchant marine, does not favor it?

The States bordering on the Great Lakes, who themselves have reaped such immense advantages by reason of protection under our laws to coastwise business, and who remember Perry's great victory, must wish to see our fleets on every sea as well as on the Lakes.

Surely the Western States, with their magnificent facilities to stretch out over the Pacific and grasp the golden opportunities of trade in the Far East will unite in the demand.

There is left but the Central West, and the opposition in that section, even if it did exist, has undoubtedly passed away owing to a study of the question, and they must now realize the advantages to their agricultural, mining, and other industries through having a fleet of ships always ready to carry abroad their products when they reach the coast.

The manufacturers of all classes of finished material—machinery, tools, etc.—will be benefited, also the packers of the products of our soil, the fruits of our trees, and the fish caught in our rivers, all of which go largely abroad to feed the rest of the world.

The mining camps turning out raw material are no less interested than the lumberman who sends his timber abroad. The farmer ships his wheat and corn and the miller his flour and

corn meal. The great makers of the finished products of iron and steel—barbed wire, plain wire, rails, structural work, etc.—are earnest advocates of the measure. The cotton grower of the South exports his cotton, our large agricultural works send abroad their goods, and we might thus go on and enumerate practically every industry of our country, as few are not exporters to a considerable percentage of their output.

The laboring men throughout the country must appreciate the importance of action, as it will benefit them as a class through increased business and offer new fields in which they may seek to gain a livelihood. The splendid fleets of our inland waters and magnificent rivers rush millions of tons of the products of our fertile land to the different coast ports east, south, and west, our railroads, more numerous and greater in mileage than the balance of the entire world, carry their quota of freight for export, and many have established great depots at our seaport cities. Shall our enterprise as a nation stop at the sea? Are we content that our flag shall go no farther than the coast line? Would not our railroads have gone to the Pacific from the East if the distance had been twice as great?

Will we rest satisfied to unload our merchandise at our seaports and take our chances of finding foreign ships to carry it away to the profit of aliens, not ourselves, or shall we as a people protest against such a condition, demand a change, and again place the national emblem on hundreds of magnificent steamers and sailers who will freight it across every sea and to all parts of the civilized world? [Applause.]

Our railroads must not be omitted from any calculations we may make regarding shipping prospects ahead, as beyond question within the next quarter of a century they are likely destined to become very considerable factors in the elucidation of this great problem.

Practically all now have their direct lines or traffic arrangements to the nearest coast port suitable for export business.

They are ambitious, possessed of immense wealth, or ability to raise capital, and must be counted upon in connection with this matter. They can not lay their rails on the water and go to the ports abroad they desire to reach, but there is nothing to prevent their ownership of large amounts of tonnage or arrangements with aliens or American steamship owners to run freight lines in conjunction with their railroad properties, and in fact this has become a vital necessity to them in view of the immense through traffic and the growing demand for freight rates from our manufacturing centers, north, east, and west, direct from the inland shipping point to the foreign field.

These connections are being rapidly formed, and Mr. Hill, of railroad fame, has already built several large steamers, running them from the Pacific coast to the Orient with fair success.

We should legislate along lines which will warrant or require the railroads in making their freight arrangements to employ vessels which fly our national emblem.

I have long held that the true nucleus and entering wedge to up-build our shipping industry lay in the mail contract at first, keeping the commercial interest well in view, and giving liberal terms to the contractor as to speed and tonnage requirements, and am still firmly of this belief. Such contracts will at once create a demand for vessels to cover the routes established, which ships will be built in our own yards. The compensation being sufficient, the vessels should be constructed under Government supervision, so as to be available for the transport of troops, horses, armament, provisions, and for use as colliers, a certain number also being provided with cold-storage room, for which extra compensation should be paid.

The Government can well afford the enterprise from a business standpoint solely, and the amount that will be saved through having these vessels subject to call at any moment will be enormous, as has been proved through experience. I am absolutely opposed to the Government itself building this class of vessel, as they can only do so at great cost, heavy expense for equipment and annual maintenance, and even then can not provide a sufficiency of tonnage; or, if attempted, would have a large, useless fleet tied up waiting for war, there being no immediate necessity for placing them in commission.

A careful study of this point will, I am satisfied, demonstrate and prove the foregoing statements to be absolutely correct, as no property goes to ruin so fast as a steamer lying idle and out of commission.

In my last remarks on this subject, made on the 22d of April, 1904, I also spoke of the serious danger of discrimination by alien lines, and at that time brought up the question of special and deferred rebate systems, and I print herewith a copy of the old form of circular and one of the several recent circulars issued by alien established New York lines, and action should be taken by Congress to protect American shippers against dictation and discrimination of this character if our



present laws as to general carriers are insufficient and do not cover vessels loading regularly at our ports, only applying to American ships. Twelve months since these same lines withdrew their rebate notices and discontinued the rebate system, having been advised, I understand, by the Attorney-General it was contrary to American laws, and it is therefore singular that they have again renewed the system unless they have now secured a contrary opinion from the authorities.

Our laws should demand as well for the protection of our merchants that when through freight from inland places to foreign countries is fixed at time of shipment that the bill of lading issued should show the cost of freight to the seaport separately from the ocean freight from port of loading to port of discharge.

The large amount of trade which this country loses annually by reason of not having available tonnage, has been called by me to the attention of the House previously, and while it is impossible to formulate definite figures, there is little doubt that had we on hand a sufficiently large fleet of American-owned tramp boats subject to charter at our different ports, thus enabling us to quickly respond to any foreign demand, our export figures would have been increased by at least 10 per cent during the last few years. Within the past six months alone I have known of a number of cases where orders for cargoes of grain and timber, required from our west coast for immediate shipment abroad, have not been possible to execute by reason of the fact that prompt tonnage was unavailable, it being necessary to await the arrival of suitable ships, and as the foreign merchant demanded prompt delivery, the business went elsewhere.

To what extent other countries may be willing to go to encourage our Government in opening trade routes with them, or with those who may contract to run our proposed lines, is an unknown proposition, but beyond doubt in numerous cases if the matter is properly followed up we shall be able to secure some aid and concessions if not annual cash payments, as the advantages will be largely mutual. In South America especially this feature should be feasible and must not be lost sight of.

Last year I introduced a bill to accomplish these purposes, a copy of which is printed with these remarks, and in 1902 I placed in committee a general shipping measure. It is with no little gratification therefore that I now find the shipping commission, in making their report, have adopted many features of the plan proposed by me, as best for our needs, and also learn that in their investigations at different points they have discovered that the people generally were in favor of the carrying out of such views, which I have always contended was true.

The Commission's bill differs somewhat in its recommendations as to mail routes, basis of compensation, etc., but in the main the general features are the same. One of the differences and an important point is that the ships under the present bill available for mail lines must have been built or shall be built in American shipyards.

To establish a service on the ten routes that have been recommended, assuming that all shall be contracted for, will require nominally sixty to eighty steamers, and the committee itself I believe know, and the facts are undoubted, that such a number of suitable vessels can not be obtained at present under our flag, and while it is also true they can be built, yet it will take a number of years to turn them out, thus putting off what should be done quickly.

The Commission state these vessels can be secured in, say, three years, but I do not believe this is possible. It therefore seems that it would have been better to have allowed, as I advocated, a certain number of ships to have been chartered or purchased abroad, granting them the privilege of flying the American flag while engaged under these contracts; then having at certain specific periods such vessels replaced by American-built ships. This would also enable the contractors to effect a large saving in expense on the start, as they could secure these foreign ships at about half the cost, to say nothing of the saving in yearly interest, insurance account, etc.

The contractors would also have time carefully to study the question as to the size of boat required for each trade, rather than be forced to place their contracts at once for the total fleet necessary, only to find, perhaps, before the later vessels were delivered that they had miscalculated, and it would have been wiser to have had larger steamers or faster ones or vessels of different construction.

I still believe that this change would be a most advantageous and desirable one and strengthen the proposed measure, and that it should be made. These vessels could be subject to any just and fair arrangement when they were withdrawn from the route.

If only hired by the contractor, they could be restored to the alien owner; or if purchased the ship could be resold abroad;

or they could be permitted to engage in deep-sea business only, as my bill provides, but not to be available for any general subsidy.

This plan would make no difference whatever to our shipbuilders, as they would not lose the contract of a single vessel, their rights being conserved and protected, and perhaps they would gain by finally building a better and larger class of vessel when the contractor was forced to go into the market to meet his obligations.

I believe it would also have been best to have named a gross sum the Postmaster-General should be authorized to expend yearly for mail routes, rather than specify the figure for each contract, as this publicity may enable our alien friends to learn just what compensation is available and finally paid, and how severe the freight competition must be made to still enable them to hold, if no longer a monopoly, at least a good share of the trade, as, after all, the freight earned by the boats on these mail routes must provide the greater part of the revenue which will enable them to successfully run.

Ten years is also hardly a long enough period to warrant parties in assuming the risk of contracting, considering the large capital involved, and the period should be raised to fifteen to twenty years. Take route No. 3 as an example; at least eight to nine steamers would be needed and the cost of said boats, taking them at \$350,000 to \$400,000, would amount to \$2,800,000 to \$3,200,000.

The arbitrary naming of the sections of the country from which the mail lines must start seems open to question as it may entail jealousy, and better results might have been accomplished by allowing this matter to have been regulated by trade conditions and the natural flow of freight, understanding, of course, that the line should run from the coastal port of nearest proximity to the country we desire to reach, all other conditions being equal.

A general subvention or subsidy for all classes of vessels, large or small, sail or steam, engaged in the foreign trade, is absolutely necessary for a period of years, so that any American citizen may acquire and hold ample tramp vessels for miscellaneous general and especial commercial needs.

The exact sum or allowance for mileage or compensation which should be adopted is a difficult task to arrive at and determine, and will likely only be finally settled by trial and the amount can then be raised or reduced as may be required. The maximum figure of \$5 a gross ton yearly has been provided by the bill before the House as sufficient to enable us to compete, and I am decidedly in favor of this feature of the measure, and time will show whether we have arrived at a proper solution of this important question or not.

As regards the amounts authorized for the subvention of the various mail and freight lines proposed, it does not seem as if very generous figures have been named, considering the competitive conditions we must meet as previously outlined, and the requirements necessary to fulfill the contract. A failure now to have the various contracts entered into would be a most serious complication and might put us back many years, if it was unfortunately found that at the remuneration fixed the lines could not be started, and it might be well to make this feature of the bill somewhat more elastic. It seems as if it would be desirable and wise to authorize the Postmaster-General, if he fails to contract for any of the routes within a reasonable time after the bill becomes operative, to allow him to omit said route or routes and add the amount of the subvention authorized to the sum appropriated for other route or routes, to the end that at least most of the proposed subventions may be carried through.

Also it might be well to grant him the privilege, or absolutely instruct him to reduce the maximum speed on any route named in the bill, failing to secure the contract otherwise, by 2 knots an hour, or where semimonthly service is provided allow the speed to be reduced 2 knots on every other steamer.

These changes might enable action to be taken which possibly could not be done under the present provisions of the bill.

The clause of the bill calling for the carrying of mails by vessels under the general subvention when required and the necessity that a certain percentage of the crew shall be American citizens are not new features and therefore call for no especial remarks.

The method of collecting the funds in part for the payments that may be necessary through the imposition of an extra tonnage tax of 8 cents and 16 cents a net ton, according to countries from which the ship may enter, said tax being paid by our own vessels as well as alien flags, but 80 per cent being rebated to American tonnage later on condition of carrying apprentices, is only open to criticism if this feature will be considered by foreign nations as in any way a discrimination against their shipping; and I fear it may be so regarded, as it is clearly the



intent of the bill to help the American vessel by obliging foreign ships to pay this duty.

While not questioning the wisdom of increasing the tonnage tax, I believe it would have been best to have taken the money directly from the Treasury, as after all it amounts to the same thing, and thus have prevented any possible complication or just cause of irritation which other nations may have under this feature, and which may invite retaliation. None can question our right and wisdom with a view to national prosperity and safety to carry our own goods to a reasonable degree in vessels owned and built by ourselves if we are willing to pay our money to accomplish and bring about this proper policy, but we must remember that we are too great and wealthy a nation, and I also hope too broad minded to try and build ourselves up by sharp practice or through injustice to others, even if the opportunity under the law might allow. We had far better be men of courage, figure the cost and face the bill, knowing the money is well spent and that the country is back of us in desiring this change in affairs.

That feature of the bill providing for the enrollment of officers and men as volunteers for the Navy at a small yearly compensation, according to grade, is deserving of trial and is an ingenious feature to enable us to provide for Government necessity, and may be desirable for the present, but is hardly that class of legislation which will commend itself to the public as a permanency.

Provision should be made so that owners would not have their vessels crippled by a sudden withdrawal of officers, etc., without due notice, and, if in foreign ports or on an outward voyage, time should be granted to enable the ship to reach her home port again under care of the crew shipped at port of departure.

The diverting of funds from the Marine-Hospital Service to pay part of the cost is a mere question of bookkeeping and of no consequence.

The bill does not properly safeguard absolute American ownership nor provide against monopoly of room by large corporations to the detriment of the smaller shipper, and there is no reason to favor vessels which may be built for special purposes and are not available for general freight requirements, and I will therefore propose at the proper time to offer suggestions under these headings for the consideration of the committee.

The idea of discrimination to build up our shipping, by lowering the duty on goods entering our ports in American vessels, I am glad has not been entertained by the Commission, as while it was effective many years ago the condition of the country has radically changed and the idea now presents many features which would be undoubtedly detrimental. In the first place, the relief would necessarily be slow, and it is open to the very serious objection that it is almost sure to bring about retaliatory measures against us, which we can not afford to have adopted by other countries. It also mixes up the question of the tariff with shipping, while it seems far best to let each stand alone. There is as well the question of our present treaty obligations with many nations, the severing of which, even if we have the right to do so by proper notice, would likely lead to many annoyances and complications. Other nations might feel justified in considering we had purposely entered into a commercial war with them, and, in fact, invited it, and there are so many ways in which they could injure us after we had perhaps succeeded in putting a fair fleet on the ocean that it is doubtful whether we would in the long run greatly benefit. We must remember that the great maritime nations are as justly proud of their shipping as we will undoubtedly be when we again recover our position, and they will zealously safeguard and, if necessary, even take radical measures to look after their proper interest, and would be justified in so doing. They also naturally direct the policies of their colonies in such matters, and control in area and population a vastly greater portion of the globe than ourselves. Therefore, looking at this matter carefully from all points, and after giving it earnest study, I am fully convinced that the committee are justified in their position, and I concur with the majority report.

The question of the Atlantic trade and subvention to the fast mail carrier has been wisely passed over by the Commission, if they felt the time had not come to pay out the very heavy yearly compensation that would have been necessary to have established such lines. The vastness of the European trade, the proximity of England and the Continent to our shores, the immense immigration movement this way, and the demand of the great traveling public who can afford to pay any price for the luxury of travel, also the subvention of lines by Germany, France, England, Italy, etc., will undoubtedly maintain ample communication and afford us protection to properly handle this trade, and we have further the vast number of tramp steamers

of all nationalities to fall back on for available tonnage, thus preventing combinations to our detriment.

I might add, however, that I am distinctly in favor of having at least two additional American lines of high-speed steamers arranged for as soon as may be possible, so as to hold a reasonable share of this important business and to provide suitable auxiliary cruisers of the highest type, to be called upon by our Navy when their services might be needed.

It gives me much pleasure and satisfaction to sincerely praise the splendid work of the Commission and to commend their able and concise report. They deserve the hearty thanks of Congress and the American people for their efforts in behalf of our shipping, and for their courage in bringing before us a bill which we should all be willing to earnestly support, no matter what section of the country we may come from, and even if the measure does not entirely agree with our personal views in every detail.

I am glad to pledge my personal active work in behalf of the measure. It should give the necessary impetus to our marine service, and within a few years, probably, relieve us at least in part from the thralldom of foreign owners who now hold so close a mortgage on practically all freight leaving the seaports of our land.

No country in the past having a seacoast has been prosperous when it failed to take advantage of the opportunity to own a commercial fleet and trade with the outside world, and this proposition still holds good, and we have undeniably shown almost a criminal neglect in this essential feature, but when times are the darkest light is often near, and I hope such will be the case in regard to our shipping.

We must have a merchant marine from the standpoint of protection to American interests, by reason of our urgent commercial needs, as an aid to our Navy when needed, and for the honor and justifiable pride of our nation. [Applause.]

#### APPENDIX.

H. R. 10013. A bill to provide means to carry United States mails to foreign countries and its possessions in vessels owned by United States citizens, and to furnish cruisers and transports for Navy requirements.

*Be it enacted, etc.,* That the Postmaster-General is hereby authorized and directed to enter into mail contracts, within two years from July 1, 1904, with citizen, citizens, or corporations of the United States to carry United States mails on steamships of United States registry to such foreign countries and United States possessions as are hereinafter specified or may further be decided upon by the Postmaster-General, so as to promote the postal, freight, and commercial interests of the United States; said contracts to be distributed between different sections of the country according as will best serve our business requirements. Contracts shall be made for not less than ten nor more than twenty years, and must provide that at least one-fourth of all vessels employed shall be of United States build for the first five years, one-half of United States build after said period up to and including ten years, and thereafter all of United States build.

Sec. 2. That the Postmaster-General is hereby authorized and directed to contract as follows: One mail contract to Great Britain and one to the continent of Europe; one mail contract to the Hawaiian Islands, the Samoan Islands (United States possessions), and the Philippine Islands; one or two mail contracts, at his option, to port or ports of South America, Central America, India, China, Japan, Australia, New Zealand, and South Africa. He shall also have authority to make further mail contracts to such foreign countries and United States possessions, not less than 250 miles from any port in the United States, as he may consider for the public benefit.

Sec. 3. That this act shall not interfere with any existing mail contract with a foreign country or countries or United States possessions, and the Postmaster-General shall have authority to omit further contract to any foreign country or United States possession herein named if a contract already exists which he deems sufficient.

Sec. 4. That the Secretary of Commerce and Labor is hereby authorized and directed, on request of contractor or contractors to carry the United States mails, to grant United States registry to such number of foreign-built iron or steel steamships, not over 10 years old, as may be required to carry out the provisions under contracts entered into as per sections 1 and 2 of this act. Said steamers when no longer employed under mail contract shall not engage in coastwise business in the United States or any of its possessions, but carrying cargo or passengers to or from any port or ports in the United States to port or places of any United States possessions will not be considered as engaging in coastwise business.

Sec. 5. That the Postmaster-General shall have the right in making contracts to combine under one contract the port or ports of any foreign countries and United States possessions; also to require contractor or contractors to load at more than one United States port on outward voyage if desired; also to specify loading ports on homeward voyage if return loading is covered by contract.

Sec. 6. That before making any contract for carrying mails in accordance with this act, the Postmaster-General shall give public notice by advertising twice a week for sixty days in such daily papers as he shall select in each of the cities of New York, Boston, Philadelphia, Baltimore, New Orleans, Charleston, Savannah, Galveston, and when the proposed service is to be on the Pacific Ocean, then in San Francisco, Tacoma, and Portland. Such notice shall describe the route, the time when contract will be made, the duration of the same, the size and speed of the steamers to be used, also the conditions of construction, if any, the number of trips yearly, periods of sailing, the time when service shall commence, which shall not be more than twelve months after the contract shall be let, and give such other details as may be necessary. The Postmaster-General, however, shall have the right to reject all or any bids, and need not accept the lowest bid.



Sec. 7. That steamships heretofore built abroad, or in the United States and accepted under mail contracts, for the first five years shall be inspected by an officer detailed by the Secretary of the Navy and report transmitted to the Postmaster-General, and no vessels not approved by the Secretary of the Navy shall be employed.

Sec. 8. That steamships employed under all contracts, except those to Great Britain and continental port or ports, whose speed shall be not less than 20 knots, shall be of tonnage and speed at the discretion of the Postmaster-General, and such class of vessels as may best serve the object of this act, which is to carry the United States mails, provide necessary ships to aid the Navy for the common defense, and to benefit the commercial interests of the country.

Sec. 9. That all steamships under mail contracts, excepting such vessels as are of foreign build (authorized to be used under contracts) and one-fourth of vessels of United States build, as provided by contract for the first five years, must be built, when speed and gross tonnage shall be determined by the Postmaster-General, according to plans specified by the Secretary of the Navy and agreed upon with the owner or owners, so far as construction, strength, and stability are in question, and the building to be supervised by an officer of the Navy, detailed for said purpose, and said vessels to be readily convertible into auxiliary cruisers, transports, or vessels suitable for colliers, and at least one-half under each contract to be built of sufficient strength to carry such guns as the tonnage and strength of the vessel specified under the contract will permit; and no vessel thus built, until approved by the Secretary of the Navy, shall be accepted under contract.

Sec. 10. That the Secretary of Commerce and Labor is hereby authorized and directed to put a clause in all mail contracts by agreement with the contractor or contractors, except contract to Great Britain and contract to Europe, giving him reasonable supervision and right of consultation as to freight and passenger rates; also stipulating that no shipper shall be discriminated against in rates of freight, or by any system of private rebates or other concessions made at date of shipment or later period to the shipper or the consignee, nor shall a monopoly of freight room of any one article or articles be given to any shipper or shippers. Contractor or contractors shall not enter into combination with any other parties or lines running steamers from or to the same port or ports as provided by contract.

Sec. 11. That contractor or contractors or their loading agents shall file with the Secretary of Commerce and Labor a freight list or lists giving marks and details of all cargo carried outward and homeward (if return voyage is covered by contract), stating freight rates for cargo transported; also charge for passengers. If through rates are given from inland place or places to or from United States port or ports, the bills of lading must show separately the inland charges to port of shipment and ocean freight charges.

Sec. 12. That the Postmaster-General shall take a yearly bond of not less than 20 per cent of the yearly amount to be paid for the mail contract from party or parties with whom the contract is made for the proper fulfillment of same, and contract shall provide for a proper pro rata reduction from compensation on account of failure to perform regular voyages stipulated, and suitable penalties shall be imposed for delays and irregularities which shall be agreed upon at the time contract is made. The President may declare forfeited any contract if terms of service have not been fulfilled for a period of six months, and thereupon the contract shall be readvertised and let to another bidder if the Postmaster-General considers the service necessary.

Sec. 13. That vessels under any and all mail contracts may carry passengers, baggage, and freight, and do all ordinary business done by steamships.

Sec. 14. That all steamships under mail contracts must be officered by citizens of the United States, and on each departure from United States port or ports at least one-fourth of the crew must be United States citizens for the first three years of contract, one-third during the next three years, and one-half, at least, thereafter.

Sec. 15. That vessels so employed shall take as apprentices one boy, born in the United States, under 21 years of age, for each 1,000 gross tons register, or fraction thereof, who shall be educated in such duties of seamanship and receive such pay for services as may be agreed upon with the Secretary of the Navy, and who shall rank as petty officer.

Sec. 16. That foreign-built steamships heretofore or hereafter admitted to American registry, in accordance with the provisions of section 4136 of the Revised Statutes of the United States, can be employed under mail contracts if required conditions are complied with.

Sec. 17. That the United States shall be entitled to transportation free of charge on all vessels under mail contracts for one or two mail messengers, at the option of the Postmaster-General, whose duty it shall be to take charge of and deliver the mails to and from the United States, and who shall be provided with suitable room and proper accommodations for the mails.

Sec. 18. That when speed of any vessel is required to be determined to meet any requirement of this act, and owner or owners can not furnish satisfactory and acceptable evidence thereon to the Postmaster-General, the Secretary of the Navy shall appoint a naval officer to represent the United States Government, and the owner or owners may decide to accept his written report, or shall be authorized to name an engineer to represent them, and in that case these two shall select a third party, the three to constitute a board, the decision of the majority of whom shall be final and whose report must be in writing. There shall be one or more sea trials at naval officer's or board's option, 20 miles at least from the coast, under ordinary weather conditions, and of at least four hours' duration, and no vessel shall be paid compensation under any section of this act if not fully up to speed called for by requirements.

Sec. 19. That owner or owners of vessels, United States or foreign build, shall agree in writing, before any payment is made them under any section of this act, that the United States Government can take or employ said vessel at any time, the owner or owners to be paid fair value if taken, when taken, and if employed compensation as agreed upon. If payment for vessel or compensation for hire can not be settled between parties in interest the question shall be determined by three appraisers, one to be named by the Secretary of Commerce and Labor, one by the owner or owners, and they to name the third, and a decision of the majority of the board shall be final and effective and must be made in writing. Shipping obligations of officers and men existing at the time shall be terminated.

Sec. 20. That vessels of United States or foreign build employed under this act must be owned absolutely by a citizen or citizens, or corporation of the United States, the stock, bonds, or other obligations of which shall all be held by a United States citizen or citizens, and satisfactory proof of ownership, as called for by this section, must be furnished in writing, sworn to before a notary, and filed with the Secretary of Commerce and Labor. Vessels receiving, or that have received, compensation from the United States under this act can only be sold

to a citizen or citizens, or corporation of the United States, unless this condition is waived by the Secretary of Commerce and Labor, and the purchaser must assume all the obligations of the original owner or owners, unless any of said conditions are waived by the Secretary of Commerce and Labor, and any evasion of any condition of this section shall render vessels subject to forfeiture.

Sec. 21. That the President of the United States shall, from time to time, cause to be made by the proper heads of departments such regulations as may be necessary for the due execution of the provisions of this act.

Sec. 22. That all acts and parts of acts inconsistent with this act are hereby repealed.

#### THE SOUTH AFRICAN STEAM LINES—NOTICE TO SHIPPERS IN THE UNITED STATES—COMMISSION IN RESPECT OF SHIPMENTS BY STEAMERS.

LONDON, April 18, 1902.

1. Shippers to all ports of the Cape Colony and of Natal, and to Delagoa Bay, are hereby informed that until further notice, and subject to the conditions and terms set out herein, each of the undernamed companies will pay to shippers by steamers dispatched by them respectively a commission of 10 per cent, calculated upon the net amount of freight at tariff rates received by such company from such shippers on their shipments from the United States to South America.

2. The said commission to be computed every six months up to the 31st January and 31st July in each year, and to be payable six months after such respective dates to those shippers only who, until the date at which the commission shall become payable, shall have shipped exclusively by steamers dispatched by the undernamed companies respectively from the United States to ports of the Cape Colony, Natal, and Delagoa Bay, provided that such shippers, either as principals or as agents, have not directly or indirectly made or been interested in any shipments to any of the aforesaid ports by steamers other than those dispatched by the undernamed, and also provided that the statement of claim for such commission shall be made in the annexed form, within twelve months of the date of shipment, to the company which shall have carried the goods in respect of which the commission is claimed.

3. The above commission is not payable on the goods of any consignee who directly or indirectly imports goods by steamers other than those dispatched by the undernamed companies.

DONALD CURRIE & CO.,  
BUCKNALL STEAMSHIP LINES (LIMITED),  
(Hitherto working as American and African Steamship Line.)  
UNION-CASTLE MAIL STEAMSHIP COMPANY (LIMITED),  
CAYZER, IRVINE & CO.,  
(Hitherto working as Union-Clan Line.)

HANSA STEAM NAVIGATION CO. OF BREMEN.

This notice is substituted for the circular dated November 1, 1901, for shipments made from date hereof; and shipments made by sailing vessels after February 1, 1902, will not prejudice claims to commission. (The above commission will be payable to the shippers whose names appear on the bills of lading, or to their order.)

#### THE SOUTH AFRICAN STEAM LINES.

[Form of statement of claim for commission in respect of shipments.]

To the Union Castle Mail Steamship Company (Limited) and Messrs. Donald Currie & Co.

GENTLEMEN: I [or we], \_\_\_\_\_, beg to hand you the under-noted list of my [or our] shipments by the steamers dispatched by you during the six months ended \_\_\_\_\_, upon which shipments I [or we] claim the commission referred to in the notice to shippers on the first page hereof, dated April 18, 1902, and such claim I [or we] make in accordance with and on the terms and conditions of the said notice, which I [or we] have received, and with which terms and conditions I [or we] have complied.

The following are the particulars of the above-mentioned shipments, and they are in accord with the bills of lading.

I [or we] remain, gentlemen, yours, truly,  
(Signature of shipper) \_\_\_\_\_,  
(Address) \_\_\_\_\_.

NOTE.—This declaration must be signed by a partner of the firm claiming the commission, or by some one holding the firm's procuration.

Date of sailing.	Vessel.	Port.	Number of bill of lading.	Marks.	Net freight.	Amount of commission claimed.

#### THE SOUTH AFRICAN STEAM LINES—NOTICE TO SHIPPERS IN THE UNITED STATES—COMMISSION IN RESPECT OF SHIPMENTS BY STEAMERS.

NORTON & SON, STEAMSHIP AGENTS AND BROKERS,  
NEW YORK PRODUCE EXCHANGE,  
New York, July 3, 1903.

Shippers to all ports of the Cape Colony and of Natal and to Delagoa Bay are hereby informed that the notice to shippers in the United States dated London, April 18, 1902, has been withdrawn and canceled, and that the payment of commissions under the terms and conditions of that circular have been and are discontinued by a notice to shippers issued in London July 2, 1903.

NORTON & SON,  
Agents for the American and African Steamship Line.

#### AMERICAN-ASIATIC STEAMSHIP COMPANY—NOTICE TO SHIPPERS.

HONGKONG, December 1, 1904.

Shippers to the Straits Settlements, Philippine Archipelago, China and Japan, and transshipment points therefrom are hereby informed that from and after this date and until further notice and subject to the conditions and terms herein set forth:

The American-Asiatic Steamship Company will pay to the shippers by the steamships of this company a bonus of 10 per cent, to be calculated upon the net amount of the prepaid freight received from such shippers on their shipments from the United States.

Except upon such merchandise as may have been carried under spe-

cial agreement, such as kerosene oil, steel products, phosphates, bridge material, locomotives, etc.

The said bonus to be calculated up to the 31st day of December next, and thereafter every six months up to the 30th of June and the 31st day of December in each year, and payable six months after such respective dates in each year to those shippers who, until the date at which the said bonus shall become payable, shall have shipped exclusively by the steamships of this company, and provided that either as principals or agents they have not directly or indirectly made or been interested in any shipments from the Atlantic seaboard to any of the ports within the above-named countries by steamers other than those operated by the American-Asiatic Steamship Company, and provided the claim or claims for such bonus shall be made on the claim forms prescribed by this company within twelve months of the date of shipment.

The bonus on freight destined to points beyond the regular ports of call on through bills of lading is payable only upon the net amount of prepaid freight to the port of transshipment.

SHEWAN TOMES & Co., General Agents.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6115. A bill granting an increase of pension to Edmund B. Canada;  
S. 139. A bill granting an increase of pension to Solomon Knight;  
S. 2538. A bill granting an increase of pension to Samuel A. Thomas;  
S. 4214. A bill granting an increase of pension to Ella M. Roberts;  
S. 5323. A bill granting an increase of pension to William Geyser;  
S. 6224. A bill granting an increase of pension to Anna M. Benny;  
S. 2895. A bill granting a pension to Benjamin F. Cory;  
S. 6087. A bill granting an increase of pension to Salmon S. Matthews;  
S. 5072. A bill granting an increase of pension to S. A. McNeil;  
S. 3467. An act granting an increase of pension to Emory A. Wood;  
S. 4215. An act granting an increase of pension to Henry Berkstresser;  
S. 6174. An act granting an increase of pension to Chittle Chittleston;  
S. 2731. An act granting an increase of pension to John R. McCullough;  
S. 2977. An act granting an increase of pension to Andrew J. Larrabee;  
S. 5157. An act granting an increase of pension to Cellina H. Stephens;  
S. 5669. An act granting an increase of pension to Alexander Hay;  
S. 5999. An act granting an increase of pension to William H. White;  
S. 5391. An act granting an increase of pension to Lucretia Johnson;  
S. 5392. An act granting an increase of pension to William W. Willis;  
S. 3660. An act granting an increase of pension to Mary Oakley;  
S. 5463. An act granting an increase of pension to John M. C. Sowers;  
S. 3392. An act granting an increase of pension to Cyrus N. Bradley;  
S. 3841. An act granting an increase of pension to John M. Bigger;  
S. 4128. An act granting an increase of pension to Peter Kaufman;  
S. 459. An act granting an increase of pension to William H. Trevillian;  
S. 5651. An act granting an increase of pension to Georgeanna Eubanks;  
S. 2240. An act granting an increase of pension to Samuel B. Mann;  
S. 1565. An act granting an increase of pension to S. N. Rockhold;  
S. 4548. An act granting a pension to Betsy J. Northrup;  
S. 5577. An act granting an increase of pension to La Fayette Smith;  
S. 5539. An act granting an increase of pension to A. L. Mitchell;  
S. 1562. An act granting an increase of pension to Riley W. Cavins;  
S. 2107. An act granting an increase of pension to A. R. McCurdy;

S. 4775. An act granting a pension to Garetta L. Hodgkiss;  
S. 4673. An act granting an increase of pension to Rosette E. S. Grow;  
S. 41. An act granting an increase of pension to Sarah E. Gillette;  
S. 4675. An act granting a pension to Angeline B. Whitney;  
S. 6155. An act granting an increase of pension to Matthew F. Locke;  
S. 4025. An act granting a pension to Mary E. Chamberlain;  
S. 6218. An act granting an increase of pension to Adam E. King;  
S. 4850. An act granting an increase of pension to Sarah V. Matlack;  
S. 2193. An act granting a pension to William Penn Mack;  
S. 3731. An act granting an increase of pension to Arthur F. McNally;  
S. 6029. An act granting a pension to Ursula Bayard;  
S. 4749. An act granting a pension to Martha J. Patterson;  
S. 6134. An act granting a pension to Mary Elizabeth McClaren;  
S. 5865. An act granting an increase of pension to Foster W. Gassett;  
S. 3934. An act granting a pension to Susan E. Bellows;  
S. 3194. An act granting an increase of pension to Stephen Gilbert;  
S. 4492. An act restoring the name of Joseph Kelly, late of Troop I, Second United States Cavalry, to the pension roll;  
S. 173. An act granting an increase of pension to John G. Haskell;  
S. 6414. An act granting an increase of pension to John Kief;  
S. 3389. An act granting an increase of pension to Joel V. Carpenter;  
S. 5240. An act granting an increase of pension to Hugh R. Barnard;  
S. 6439. An act granting an increase of pension to Thomas Conroy;  
S. 3378. An act granting an increase of pension to Jacob H. Heck;  
S. 2256. An act granting an increase of pension to John Spriggs;  
S. 2986. An act granting an increase of pension to William Barkis;  
S. 3662. An act granting an increase of pension to William A. Wilkins;  
S. 6097. An act granting an increase of pension to Thomas M. Clark;  
S. 2674. An act granting a pension to Ellen Orr;  
S. 4681. An act granting an increase of pension to John H. Stubbs;  
S. 2291. An act granting an increase of pension to William W. Rollins;  
S. 6445. An act granting an increase of pension to Lizzie A. Holden;  
S. 6098. An act granting an increase of pension to Seth Lewis;  
S. 6605. An act granting an increase of pension to Simeon V. Sherwood;  
S. 6699. An act granting an increase of pension to Moses Frost;  
S. 6446. An act granting an increase of pension to John McGowan;  
S. 6444. An act granting an increase of pension to Melkert H. Burton;  
S. 3023. An act granting an increase of pension to Sanford S. Henderson;  
S. 6138. An act granting a pension to Cyrell Boutiette;  
S. 6718. An act granting an increase of pension to Nathaniel Salg;  
S. 1724. An act granting an increase of pension to Sarah F. McCune;  
S. 3914. An act granting an increase of pension to John W. Branch;  
S. 1560. An act granting an increase of pension to William Sweet;  
S. 3897. An act granting an increase of pension to G. H. Adams;  
S. 4680. An act granting an increase of pension to Samuel T. Dixon;  
S. 6381. An act granting an increase of pension to John Hamilton;  
S. 5813. An act granting an increase of pension to Herbert E. Farnsworth;  
S. 5518. An act granting a pension to Bernard J. Boldermann;  
S. 5819. An act granting an increase of pension to Samuel K. Long;



S. 5253. An act granting an increase of pension to Joseph Mort;  
 S. 6026. An act granting an increase of pension to Stephen Girard Nichols;  
 S. 5059. An act granting an increase of pension to Tobias Meader;  
 S. 5316. An act granting a pension to Thomas Pickford;  
 S. 5960. An act granting an increase of pension to John A. Sargent;  
 S. 6344. An act granting an increase of pension to Richard B. Dickinson;  
 S. 2031. An act granting an increase of pension to Henry W. Gay;  
 S. 6188. An act granting an increase of pension to William Sartwell;  
 S. 4573. An act granting an increase of pension to Mary C. Buck;  
 S. 6475. An act granting an increase of pension to Isaac Slater;  
 S. 3953. An act granting an increase of pension to Thomas L. Sanborn;  
 S. 6586. An act granting an increase of pension to Laura E. Campbell;  
 S. 5233. An act granting an increase of pension to Susan A. Reynolds;  
 S. 6728. An act granting an increase of pension to Charles W. Cowing;  
 S. 4814. An act granting an increase of pension to Marcia H. Edgerly;  
 S. 6526. An act granting an increase of pension to Stephen A. Cox;  
 S. 6348. An act granting an increase of pension to Richard Edmund Hyde;  
 S. 6025. An act granting an increase of pension to Belle K. Theaker;  
 S. 5322. An act granting an increase of pension to Perley B. Dickerson;  
 S. 2464. An act granting an increase of pension to John Aylers;  
 S. 5234. An act granting an increase of pension to John R. Leavens;  
 S. 4123. An act granting an increase of pension to George Sims;  
 S. 1452. An act granting an increase of pension to Mahala Forkner;  
 S. 6554. An act granting an increase of pension to Martin Gillett;  
 S. 4619. An act granting an increase of pension to Anna L. Bartleson;  
 S. 6550. An act granting a pension to Jane Johns;  
 S. 6654. An act granting an increase of pension to Stephen Dampier;  
 S. 6549. An act granting an increase of pension to Charles T. West;  
 S. 6548. An act granting an increase of pension to Leviney Walker;  
 S. 6553. An act granting an increase of pension to Orlando Kennedy;  
 S. 4101. An act granting an increase of pension to James H. Cate;  
 S. 4073. An act granting an increase of pension to Comfort W. Watson;  
 S. 4886. An act granting a pension to Mary A. Massey;  
 S. 5903. An act granting an increase of pension to Patrick Duffy;  
 S. 3722. An act granting a pension to John W. Victor;  
 S. 6171. An act granting an increase of pension to Fannie C. Avis;  
 S. 3044. An act granting a pension to Lucy McEntee Andrews;  
 S. 6346. An act granting an increase of pension to Benjamin F. Sheppard;  
 S. 6289. An act granting a pension to Charles Norris;  
 S. 6042. An act granting an increase of pension to James W. Williams;  
 S. 3372. An act granting a pension to Mary O'Brien;  
 S. 4605. An act granting an increase of pension to Charles R. Schmidt;  
 S. 5344. An act granting a pension to Martha B. Hamlin;  
 S. 5499. An act granting a pension to Matilda J. Henderson;  
 S. 6402. An act granting an increase of pension to Samuel Lewis;  
 S. 4508. An act granting an increase of pension to John M. Bybee;  
 S. 5903. An act granting an increase of pension to Patrick Duffy; and

S. 3349. An act granting an increase of pension to Morgan Dwyer.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. WARREN, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture.

#### AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. WADSWORTH. I move to close general debate and proceed with the reading of the bill under the rule.

The CHAIRMAN. The Clerk will proceed to read the bill.

The Clerk read as follows:

Office of the Secretary: Laborers and charwomen: One assistant messenger, \$720; one skilled laborer, \$840; one skilled laborer, \$720; one skilled laborer, \$660; three skilled laborers, at \$600 each, \$1,800; one laborer, \$480; one assistant messenger or laborer, \$600; two assistant messengers, at \$600 each, \$1,200; one assistant messenger, \$480; one laborer, \$600; one painter, \$540; eleven laborers or charwomen, at \$480 each, \$5,280; one charwoman, \$540; five charwomen, at \$240 each, \$1,200; for extra laborers, emergency employments, and pay of rents, \$10,000.

Mr. TIRRELL. Mr. Chairman, I reserve the point of order on the words in the first line, fourth page, "and pay of rents."

Mr. WADSWORTH. Mr. Chairman, the museum and other quarters have been taken down to make room for the new building, and we have been compelled to rent some temporary quarters.

Mr. TIRRELL. I would ask the chairman of the committee for what purpose?

Mr. WADSWORTH. For the general purposes of the Department.

Mr. TIRRELL. Well, can you state more definitely what they are to be used for?

Mr. WADSWORTH. I can not state exactly the purpose of this renting. They are for general purposes of the Department. The museum has been taken down and the articles are all boxed and stored away in one of these buildings rented, I presume, under this provision.

Mr. LLOYD. Is there \$9,000 for rent here?

Mr. WADSWORTH. Yes, sir.

Mr. LLOYD. The appropriation last year for this particular purpose was \$1,000?

Mr. WADSWORTH. Yes.

Mr. LLOYD. And the appropriation this time is \$10,000?

Mr. WADSWORTH. Nine thousand dollars increase.

Mr. LLOYD. Is it all for rent?

Mr. WADSWORTH. Not all. Some for extra labor incident to construction of new buildings.

Mr. LLOYD. That increase is for no other purpose, and the rent is for buildings not needed last year?

Mr. WADSWORTH. The rent is for buildings used in place of those that have been taken down to make room for the new building. The excavations for the new building are now being made. This will be a temporary renting until the new buildings are completed.

Mr. LLOYD. While I am interrogating the gentleman, I would like to ask with reference to the next clause. There seems to be a difference between \$191,430 and \$78,860.

Mr. WADSWORTH. That was explained during general debate.

Mr. LLOYD. There was so much confusion we did not get it on this side.

Mr. WADSWORTH. In examining the work of the Department we have found that a great many clerks were charged to one bureau and were doing work in another.

Now, in rectifying what we thought was a wrong practice we transferred to each of the several bureaus every clerk legitimately employed in that bureau, and we charged his salary to that bureau. For instance, there was \$11,940 worth of clerk hire charged to the Bureau of Animal Industry, when the clerks were actually doing work in the Secretary's office.

Mr. LLOYD. And this addition is due to the officers who have been charged to other bureaus?

Mr. WADSWORTH. Yes.

Mr. LLOYD. And really is not an increase.

Mr. WADSWORTH. And really is not an increase.

Mr. TIRRELL. I notice that in this bill, as in other bills where rent is referred to, almost invariably, with scarcely an exception, the amount that is to be expended for rent is specified. For example, for rent, a sum not exceeding \$2,000 or not exceeding \$6,000, and there is a definite sum which it is known is to be expended for that purpose. But under the phraseology which is contained in what I have called attention to this sum of money might be expended not for rent, but for laborers or for any other purpose or any other emergency, as the Secretary of Agriculture might see fit to expend the money, and that is the objection to incorporating such phraseology into this bill without further explanation. It gives a broad latitude for the Secretary to engage in occupations perhaps not authorized by law. Anyone can see that by reading the whole of the clause in which that is included. He is not limited to expending one cent of the money for rent of any particular building, but it is lumped in with other things for emergency employment and for laborers.

Therefore, I say, if money is to be appropriated for rent, it ought to be specified in this bill, as it is specified in other bills, a specific sum, so that under a general expression of this character the whole sum appropriated may not be diverted to other purposes.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. TIRRELL. I do not insist upon the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read:

The Clerk read as follows:

Salaries, office of Chief of Weather Bureau: One chief of Bureau, \$5,000; one assistant chief of Bureau, \$3,000; one chief clerk, \$2,250; four chiefs of division, at \$2,000 each, \$8,000; one librarian and climatologist, \$2,000; five clerks of class 4, \$9,000; one chief of division of supplies, \$1,800; six clerks of class 3, \$9,600; seventeen clerks of class 2, \$23,800; twenty-five clerks of class 1, \$30,000; sixteen clerks, at \$1,000 each, \$16,000; seven clerks, at \$900 each, \$6,300; four copyists or typewriters, at \$840 each, \$3,360; one copyist or typewriter, \$720; two assistant foremen of division, at \$1,600 each, \$3,200; one proof reader, \$1,400; one chief mechanic, \$1,400; one lithographer, \$1,300; three lithographers, at \$1,200 each, \$3,600; two pressmen, at \$1,250 each, \$2,500; ten compositors, at \$1,250 each, \$12,500; one skilled mechanic, \$1,200; five skilled mechanics, at \$1,000 each, \$5,000; one engineer, \$1,200; one captain of the watch, \$1,000; one battery man, \$840; six skilled artisans, at \$840 each, \$5,040; five messengers or laborers, at \$720 each, \$3,600; three firemen, at \$720 each, \$2,160; three watchmen, at \$720 each, \$2,160; five folders and feeders, at \$720 each, \$3,600; three folders and feeders, at \$630 each, \$1,890; six messengers or laborers, at \$660 each, \$3,960; thirteen messengers, messenger boys, or laborers, at \$600 each, \$7,800; four messengers, messenger boys, or laborers, at \$480 each, \$1,920; five messengers, messenger boys, or laborers, at \$450 each, \$2,250; one charwoman, \$360; three charwomen, at \$240 each, \$720; in all, \$191,430.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives, by Mr. BARNES, one of his secretaries.

#### AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LLOYD. Mr. Chairman, I move to strike out the last word. I wish to ask the chairman of the committee if the increase in this particular paragraph is due to the fact—

Mr. WADSWORTH. It is due to the fact of the transfer of these employees from the lump-sum rolls to the statutory rolls, they having heretofore been on the lump-sum rolls.

Mr. LLOYD. I notice that the present appropriation is \$191,430, while the appropriation last year was \$180,440, a difference of \$11,000.

Mr. WADSWORTH. That is simply owing to their transfer from the lump-sum roll to the statutory roll.

Mr. LLOYD. What is the necessity for the increase of \$2,000 in the next item?

Mr. WADSWORTH. We have not come to that yet.

Mr. LLOYD. I know; but I thought I would ask about it now.

Mr. WADSWORTH. Wait until we come to that.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

Fuel, lights, and repairs, Weather Bureau: Fuel, lights, repairs, and other expenses for the care and preservation of the public buildings and grounds of the Weather Bureau in the city of Washington, \$10,000.

Mr. LLOYD. Mr. Chairman, I move to strike out the last word.

Now, I should like to inquire about that increase of \$2,000 in that paragraph.

Mr. WADSWORTH. The necessity for it arose out of the requirements for the purchase of two new boilers for heat, light, and power.

Mr. LLOYD. Each of the boilers \$1,000?

Mr. WADSWORTH. Yes.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Salaries, Weather Bureau: Professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, repair men, station agents, messengers, messenger boys, laborers, and other necessary employees, for duty in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda, who, without additional expense to the Government, may hereafter, in the discretion of the Secretary of Agriculture, be granted leaves of absence not to exceed thirty days in any one year, \$531,550.

Mr. LLOYD. I move to strike out the last word. I notice here a difference of about \$40,000 in these two items. Is that due to the same cause?

Mr. WADSWORTH. The gentleman refers to the paragraph headed "Salaries, Weather Bureau?"

Mr. LLOYD. Yes.

Mr. WADSWORTH. We transferred all the scientists from the statutory roll to the lump-sum roll.

Mr. LLOYD. I have no purpose of interfering in any way.

Mr. WADSWORTH. I am very glad to answer the gentleman's question.

Mr. LLOYD. I do not understand these provisions, and I am asking these questions for the purpose of finding out.

Mr. WADSWORTH. The gentleman is "from Missouri?"

Mr. LLOYD. Yes. [Laughter.]

Mr. WADSWORTH. You refer to these employees of the Weather Bureau?

Mr. LLOYD. Yes.

Mr. WADSWORTH. These are mostly salaries.

Mr. LLOYD. Where were they last year?

Mr. WADSWORTH. They were on the statutory roll, most of them scientists. The scientists were transferred from the statutory roll to the lump-sum roll.

Mr. LLOYD. There is no lump sum in this item.

Mr. WADSWORTH. Yes; it is a lump sum. This lump sum also covers the expenses of all employees outside of the city of Washington.

Mr. LLOYD. You had a lump sum for the same thing in last year's bill, only then the lump sum was not so large.

Mr. WADSWORTH. There is a difference of about \$20,000.

Mr. LLOYD. Last year the appropriation was \$492,300 and this year it is \$531,550.

Mr. WADSWORTH. In round numbers, there is a difference of about \$20,000. That is allowed to cover the services of officials and employees required to establish eight new stations. In the hearing before the committee the names of places were submitted from which these are to be selected.

Mr. LLOYD. That is one thing I was concerned about and of which I wanted to inquire.

Mr. WADSWORTH. The names of eight or ten places were given to us from which Professor Moore will select eight. The names are Tonapah, Nev.; Florence, N. Mex.; San Jose, Cal.; Fort Dodge, Iowa; Sheridan, Wyo.; Burlington, Vt.; Grand Haven, Mich.; Del Risor Sandown, Tex.; Thomasville, Ga.

These are nine stations which he had under consideration, out of which he will select eight, and that \$20,000 additional is for establishing those stations.

Mr. LLOYD. These are stations from which they make reports to the Weather Bureau in Washington?

Mr. WADSWORTH. Yes; equipped with all the instruments.

The Clerk, proceeding with the reading of the bill, read as follows:

General expenses, Weather Bureau: Every expenditure requisite for and incident to the establishment, equipment, and maintenance of meteorological observation stations in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda, including the purchase of scientific and other publications, stationery, furniture, instruments, storm-warning towers, and all other necessary supplies and materials; for rents of offices; for traveling expenses; for freight and express charges; for telegraphing, telephoning, or cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the service; for maintenance and repair of seacoast telegraph, telephone, and cable lines; for investigations on climatology; for experiments in wireless telegraphy; for river observations and reports; for rain observations and reports; for snow observations and reports; for ice observations and reports; for crop observations and reports; for aerial observations and reports; for storm and other warnings and reports; for hurricane observations and reports; including pay of special observers and display men, none of whom shall receive more than \$25 per month; and for the maintenance of a printing office in the city of Washington, including the purchase of necessary supplies and materials for printing weather maps, bulletins, circulars, forms, monthly reviews, and other publications, and for pay of assistant foremen, proof readers, compositors, pressmen, lithographers, and folders and feeders, when necessary, \$662,010.

Mr. HILL of Connecticut. Referring to the lines 1 and 2, on page 8, "for experiments in wireless telegraphy," I want to



ask the chairman of the committee if he knows how much was expended by the Weather Bureau last year for that purpose?

Mr. WADSWORTH. I do not know exactly.

Mr. HILL of Connecticut. Mr. Chairman, I move to strike out the words "for the experiment of wireless telegraphy," and my reason for that is this.

Mr. WADSWORTH. I think the gentleman from Connecticut is right about that. It has been turned over to the Navy.

Mr. HILL of Connecticut. Certainly there is no use in having three or four Departments of the Government experimenting in the same thing.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the gentleman from Connecticut moves to strike from lines 1 and 2, on page 8, the words "for experiments in wireless telegraphy."

Mr. HILL of Connecticut. Mr. Chairman, I would like to supplement that with another one. If the chairman can tell me how much was expended last year, I would like to deduct that from the amount appropriated by this section.

Mr. WADSWORTH. I think that was taken into account, and these words are an oversight in printing the bill. This paragraph was taken from last year's bill and put into this one. Mr. Moore, in his testimony in the hearings before the committee, stated that the wireless telegraphy had been transferred to the Navy Department.

Mr. HILL of Connecticut. And there will be no experiments by the Weather Bureau?

Mr. WADSWORTH. No.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Connecticut.

The question was taken, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

Buildings, Weather Bureau: For the purchase of sites and the erection of not less than five buildings for use as Weather Bureau observatories, and for all necessary labor, materials, and expenses, plans and specifications to be prepared and approved by the Secretary of Agriculture, and work done under the supervision of the Chief of the Weather Bureau, including the purchase of instruments, furniture, supplies, flagstaffs, and storm-warning towers to properly equip these stations: *Provided*, That if any of the money for these several buildings remains unexpended for the special purposes for which it is appropriated, so much of it as is necessary may be expended for the repair, improvement, and equipment of any other buildings or grounds owned by the Government and occupied by the Weather Bureau, \$48,000.

Mr. LLOYD. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman in charge of the bill why it is that the same provision is in this bill that was in the bill of last year for the purchase, erection, and site of not less than five buildings. I would like to ask the gentleman if the sites were purchased and the buildings constructed?

Mr. WADSWORTH. The purpose of the committee is to allow him to build five buildings a year and establish about eight new stations a year.

Mr. LLOYD. Were the five sites purchased last year and the buildings constructed?

Mr. WADSWORTH. I will not say that they were all purchased, but if they were not purchased last year the purpose of the appropriation will be carried out.

Mr. LLOYD. Where are these five different buildings to be erected?

Mr. WADSWORTH. Cleveland, Ohio; midway between Minneapolis and St. Paul; Escanaba, Mich.; Madison; Birmingham; Galveston; Springfield, Ill., and Oklahoma City.

These are the ones under consideration. Mr. Moore will decide at which of the five it will be the wisest and best to establish the stations.

Mr. LLOYD. Five buildings are provided for at an expenditure of \$48,000. That is less than \$10,000 apiece for the purchase of a site and the building.

Mr. WADSWORTH. That is sufficient, they are small buildings. Has the gentleman ever seen one of them?

Mr. BURLESON. And they result in great saving to the Government.

Mr. LLOYD. Yes, I have seen one. I am not objecting to it, but I want to find out where they will be built.

Mr. WADSWORTH. That will be decided by the Weather Bureau.

Mr. LLOYD. Under whose direction?

Mr. WADSWORTH. Under the direction of the Secretary of Agriculture, but he, I presume, takes the recommendation of Professor Moore, the chief of the Bureau.

Mr. LLOYD. To be approved by the Secretary of Agriculture?

Mr. WADSWORTH. Yes.

Mr. HILL of Connecticut. Mr. Chairman, I would like to ask a question. This is the most remarkable provision that I ever

saw in any appropriation bill. It appropriates \$48,000 for the purchase of sites and the erection of buildings, and if they do not spend it for that, they can spend it for anything else they have a mind to.

Now, that is precisely the effect of this provision.

Mr. WADSWORTH. No; the gentleman is wrong. It says:

For the repair, improvement, and equipment of any other buildings or grounds owned by the Government and occupied by the Weather Bureau.

Mr. HILL of Connecticut. Certainly; that is all right. That is practically the same thing. If it is not expended in Oklahoma or Michigan or somewhere else, then they can expend it for the improvement or equipment of buildings here in Washington. They can fit up offices, they can do what they see fit with that money, if they do not spend it for that purpose. Now, let us appropriate all they require. Let us appropriate it for these buildings scattered around in different sections of the country, and if they do not expend it for that, let it go back into the Treasury.

Mr. WADSWORTH. Some leeway is given to the Secretary. He makes an estimate of about how much these grounds and buildings would cost. If, then, he can purchase the ground for a thousand dollars or so cheaper, he applies that money to other necessary repairs and improvements. It is not thrown into the river.

Mr. HILL of Connecticut. Very well. It seems to me the House of Representatives is entitled to know what the money it appropriates is expended for, and if the Weather Bureau wants \$48,000 to fit up offices here in Washington, to purchase additional equipment, they ought to come before the House of Representatives and say so, and not come here and ask for \$48,000 to be expended in different States in the Union and then put on a supplement that if they do not want to expend it for that they can expend it for anything else they please, here or anywhere else, in the improvement of their department and further additional equipment for it.

Mr. WADSWORTH. I think the gentleman unintentionally misstates the provision.

Mr. HILL of Connecticut. Very well; I will ask the gentleman if he will accept this proposition, to add at the end of the section the words "to be expended outside of the District of Columbia?"

Mr. WADSWORTH. I have no objection to that.

Mr. HILL of Connecticut. Very well, I will offer that amendment.

The CHAIRMAN. The pro forma amendment, without objection, will be withdrawn.

Mr. HILL of Connecticut. Mr. Chairman, I move to amend by inserting after the words "Weather Bureau," in line 4, page 9, the words "outside of the District of Columbia."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Total, Weather Bureau, \$1,387,990.

Mr. WADSWORTH. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18329, the agricultural appropriation bill, and had come to no resolution thereon.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I present a conference report on the legislative, executive, and judicial appropriation bill, to be printed under the rules.

The SPEAKER. It will be printed under the rule.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. J. Res. 206. Joint resolution to provide for the removal of snow and ice from the cross walks and gutters of the District of Columbia;

H. R. 12898. An act to create a new division in the eastern judicial district of the State of Missouri;

H. R. 15477. An act to change the name of a portion of Thirteen-and-a-half street to Linworth place; and

H. R. 2052. An act for the relief of Ramon O. Williams and Joseph A. Springer.

## COMMISSION ON INTERNATIONAL EXCHANGE.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the final report of the Commission on International Exchange, constituted under the authority of the act of March 3, 1903, in compliance with the requests of the Governments of China and Mexico.

The work of the Commission has assisted greatly in the establishment of the new monetary systems of the Philippine Islands, Mexico, and the Republic of Panama. The work done in China has, from the letter of the Prince of Ching, the head of the executive, been very helpful to that Government. Such improvements in the monetary systems of the silver-using countries bring them into closer connection with the gold-standard countries and are of very great benefit to the trade of the United States, and every effort should be made to encourage such reforms.

The attention of Congress is invited to the accompanying report of the Acting Secretary of State, whose request for a suitable appropriation for carrying on this valuable work in the manner which seems to him most practicable I heartily indorse and recommend to your favorable consideration.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 26, 1905.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5209. An act for the relief of Edward H. Ozmun—to the Committee on Claims.

S. 5902. An act for the relief of the Central Railroad Company of New Jersey—to the Committee on Claims.

S. 5646. An act authorizing the construction of a wagon and electric railway bridge over the Missouri River, near Randolph, Mo.—to the Committee on Interstate and Foreign Commerce.

## CHANGE OF REFERENCE.

By unanimous consent, the Committee on Ways and Means was discharged from the further consideration of the bill (H. R. 18205) for the purpose of giving a greater elasticity to the currency, particularly to the end of making more stationary throughout the year the interest rates on loans, by furnishing a sufficient circulating medium to relieve the pressure incidental to the movement of the full crops; and the same was referred to the Committee on Banking and Currency.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned to meet to-morrow, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, inclosing, with related papers, a draft of a bill to authorize cancellation of trust patent to James Wah-kia-cus—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Commissioner of Patents, transmitting his report for the year 1904—to the Committee on Patents, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17869) relating to the Monroe and Lake Providence Railroad Company, reported the same with amendment, accompanied by a report (No. 3985); which said bill and report were referred to the House Calendar.

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17350) declaring Grand River to be not a navigable stream, reported the same without amendment, accompanied by a report (No. 3986); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17789) to amend an act entitled "An act to authorize W. Denny

& Co. to bridge Dog River, in the State of Mississippi," reported the same without amendment, accompanied by a report (No. 3987); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17784) to authorize the construction of a bridge across the Arkansas River at or near Vanburen, Ark., reported the same with amendment, accompanied by a report (No. 3988); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15284) granting to the Keokuk and Hamilton Water Power Company rights to construct and maintain for the improvement of navigation and development of water power a dam across the Mississippi River, reported the same with amendment, accompanied by a report (No. 3989); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PERKINS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 17939) relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, for the impounding of the flood waters of said river for purposes of irrigation, and providing for the distribution of said stored waters among the irrigable lands in New Mexico, Texas, and the Republic of Mexico, and to provide for a treaty for the settlement of certain alleged claims of the citizens of the Republic of Mexico against the United States of America, reported the same with amendment, accompanied by a report (No. 3990); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16187) for the extension of Nineteenth street from Woodley road to Mintwood place, reported the same without amendment, accompanied by a report (No. 3991); which said bill and report were referred to the House Calendar.

Mr. COWHERD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17021) to confirm title to lot 5, in square south of square No. 990, in Washington, D. C., reported the same without amendment, accompanied by a report (No. 3992); which said bill and report were referred to the House Calendar.

Mr. FOU, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17645) to incorporate the trustees of the Grand Encampment of Knights Templar of the United States of America, reported the same with amendment, accompanied by a report (No. 3993); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17940) to amend an act to regulate the height of buildings in the District of Columbia, reported the same without amendment, accompanied by a report (No. 3994); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18038) relating to the inspection of steam boilers in the District of Columbia, reported the same without amendment, accompanied by a report (No. 3995); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6422) to amend an act approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," reported the same without amendment, accompanied by a report (No. 3996); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17590) for the relief of the Church of Our Redeemer, Washington, D. C., reported the same without amendment, accompanied by a report (No. 3997); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 17746) authorizing the Commissioners of the District of Columbia to furnish Potomac water without charge to charitable institutions, and so forth, in the District of Columbia, reported the same without amendment, accompanied by a report (No. 3998); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the



bill of the Senate (S. 3343) to authorize the Anacostia, Surratts-ville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia, reported the same without amendment, accompanied by a report (No. 3999); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred a resolution of the Senate requesting the return of Senate bill 5359, relative to medicine and surgery in the District of Columbia, reported the same, accompanied by a report (No. 4000); which said resolution and report were ordered to lie on the table. The report also directs the Clerk to return to the Senate the bill S. 5359, a similar House bill having passed the Senate.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 11961) to provide an American register for the steam lighter *Pioneer*, reported the same without amendment, accompanied by a report (No. 3982); which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15763) granting an honorable discharge to Frederick H. Stafford, reported the same without amendment, accompanied by a report (No. 3983); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17175) for the relief of Capt. Frank D. Ely, reported the same without amendment, accompanied by a report (No. 3984); which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8223) granting a pension to John J. MacEntee—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17627) granting an increase of pension to Michael D. Kernan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HUGHES of West Virginia: A bill (H. R. 18358) to authorize the Borderland Coal Company, of Nolan, W. Va., to bridge the Tug Fork of the Big Sandy River at a point about 2 miles east of Nolan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky—to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: A bill (H. R. 18359) to extend the provisions of an act entitled "An act providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose," approved May 17, A. D. 1900, to all homestead settlers who have made or who shall hereafter make homestead entries under the provisions of the act entitled "An act for the relief and civilization of the Chipewia Indians in Minnesota," approved on the 14th day of January, A. D. 1889, and who have not heretofore made final proof and payment of their claims—to the Committee on the Public Lands.

By Mr. LITTLEFIELD: A bill (H. R. 18360) to amend section 3679 of the Revised Statutes of the United States, relating to expenditures and contracts in excess of appropriations—to the Committee on the Judiciary.

By Mr. HITCHCOCK: A bill (H. R. 18361) to establish postal savings banks for depositing savings at interest, with the security of the Government for the repayment thereof, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. CROFT: A bill (H. R. 18362) providing for a survey of Saluda River from Halfway Swamp to mouth of Hollow Creek—to the Committee on Rivers and Harbors.

By Mr. MEYER of Louisiana: A bill (H. R. 18363) authorizing the Secretary of the Navy to construct a good drained road at the naval station, New Orleans, La.—to the Committee on Naval Affairs.

By Mr. TAWNEY: A joint resolution (H. J. Res. 208) to authorize the President of the United States to convey to the foreign governments participating in the Louisiana Purchase Exposition the grateful appreciation of the Government and the people of the United States—to the Committee on Industrial Arts and Expositions.

By Mr. BISHOP: A resolution (H. Res. 470) authorizing and directing the Clerk of the House to pay the clerk to the Committee on Ventilation and Acoustics certain money—to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 18364) granting a pension to Sophronia E. Wilshire—to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 18365) granting an increase of pension to Phineas P. Trowbridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18366) granting an increase of pension to William Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18367) granting an increase of pension to Frank W. Buxton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18368) granting a pension to Eli B. Carlton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18369) in the interest of Gilbert P. Cotton—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 18370) granting an increase of pension to Mary Casey—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 18371) granting an increase of pension to William H. Kendall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18372) granting an increase of pension to Chapman Mann—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 18373) granting an increase of pension to Caroline M. Kirk—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 18374) granting an increase of pension to Sarah T. Robertson—to the Committee on Invalid Pensions.

By Mr. GOOCH: A bill (H. R. 18375) to amend the military record of George W. Stull—to the Committee on Military Affairs.

By Mr. GRIFFITH: A bill (H. R. 18376) for the relief of Jones & Laughlins (Limited) and others—to the Committee on War Claims.

Also, a bill (H. R. 18377) granting an increase of pension to Samuel H. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18378) granting a pension to David L. Jeffries—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 18379) for the relief of the widow of Harrison S. Weeks—to the Committee on War Claims.

By Mr. HERMANN: A bill (H. R. 18380) granting an increase of pension to Charles G. Shearer—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 18381) granting a pension to William H. Sweeney, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18382) granting to the town of Mancos, Colo., the right to enter certain lands—to the Committee on the Public Lands.

By Mr. HOPKINS: A bill (H. R. 18383) granting an increase of pension to James H. Phelps—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 18384) granting an increase of pension to Stephen A. Harper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18385) granting an increase of pension to Zachariah T. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18386) granting an increase of pension to Zachariah Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18387) granting an increase of pension to Bailey P. Cosby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18388) granting an increase of pension to Joseph Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18389) granting an increase of pension to Francis A. Tabor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18390) granting an increase of pension to George W. Brummett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18391) granting an increase of pension to E. F. Hays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18392) granting an increase of pension to Rolly J. Tindle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18393) granting an increase of pension to Amanda Lucas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18394) granting an increase of pension to G. W. Drye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18395) granting an increase of pension to Benjamin Botner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18396) granting an increase of pension to Louvenia Clark—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 18397) for the relief of William J. Bradshaw and William Bradshaw—to the Committee on War Claims.

By Mr. JACKSON of Ohio: A bill (H. R. 18398) granting a pension to Angeline W. Kelley—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 18399) granting an increase of pension to Milton A. Saeger—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 18400) granting an increase of pension to William Moore—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 18401) granting a pension to Thomas F. Loftin—to the Committee on Pensions.

By Mr. NORRIS: A bill (H. R. 18402) granting a pension to Lyra Garber—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 18403) for the relief of S. R. McAlexander—to the Committee on War Claims.

Also, a bill (H. R. 18404) for the relief of the estate of Anlsey Dean, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18405) for the relief of the Baptist Church of Grand Junction, Hardeman County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 18406) for the relief of Mary Kincannon—to the Committee on War Claims.

Also, a bill (H. R. 18407) for the relief of John B. Warren—to the Committee on War Claims.

Also, a bill (H. R. 18408) for the relief of the estate of D. C. Wells, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18409) for the relief of the estate of Benjamin D. Gates, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18410) for the relief of the estate of William Stidham, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18411) for the relief of the estate of George W. Reeves, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18412) for the relief of the estate of Joseph Brooks, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

By Mr. RODEY: A bill (H. R. 18413) granting an increase of pension to Samuel Lewis—to the Committee on Invalid Pensions.

By Mr. SCUDDER: A bill (H. R. 18414) granting a pension to Ernestine M. Benjamin—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 18415) for the restoration of Sarah A. Lewis, formerly Powers, to the pension roll—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 18416) granting an increase of pension to Lowell Mason Maxham—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 18417) granting an increase of pension to Harvey Dennis—to the Committee on Invalid Pensions.

By Mr. GREENE: A bill (H. R. 18418) granting an increase of pension to William E. Mason—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of the Thirty-sixth legislative assembly of New Mexico, against admission of New Mex-

ico and Arizona as one State—to the Committee on the Territories.

Also, petition of the common council of Fairbanks, Alaska, against law requiring one year's residence in Territory before being allowed to vote in municipality—to the Committee on the Territories.

By Mr. AMES: Petition of Le Roy W. Todd et al., for bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. BADGER: Paper to accompany bill for relief of William A. Feaster, to correct military record—to the Committee on Military Affairs.

By Mr. BIRDSALL: Petition of B. F. Stackwell and 53 others, of Wright County, Iowa, favoring bill H. R. 4072—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE: Petition of G. W. Rodgers et al., of Winfred, S. Dak., against a law for a stricter observance of the Sabbath in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURTON: Petition of the Presbytery of Cleveland, Ohio, favoring international inquiry into conditions in the Kongo—to the Committee on Foreign Affairs.

Also, petition of the Presbytery of Cleveland, Ohio, asking legislation granting to the District of Columbia the same power to keep the Sabbath that other States have—to the Committee on the District of Columbia.

Also, petition of the Presbytery of Cleveland, Ohio, against issuance of post-office money orders on Sunday—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Presbytery of Cleveland, Ohio, requesting prohibition of gambling services from the mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Presbytery of Cleveland, Ohio, relative to protection of no-license towns from sale of liquor as an article of interstate commerce—to the Committee on the Judiciary.

Also, petition of the Presbytery of Cleveland, Ohio, against sale of intoxicants on Government premises—to the Committee on Public Buildings and Grounds.

Also, petition of the Presbytery of Cleveland, Ohio, requesting exclusion of gambling matter from interstate express and telegraphic service—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Presbytery of Cleveland, Ohio, requesting that women be given right to vote in the pending statehood bills—to the Committee on the Territories.

Also, petition of the Presbytery of Cleveland, Ohio, requesting prohibition of opium sale save in medical prescriptions—to the Committee on Alcoholic Liquor Traffic.

By Mr. BURKETT: Petition of citizens of Elk Creek, Nebr., favoring passage of the McCumber bill—to the Committee on Military Affairs.

By Mr. BURNETT: Paper to accompany bill for relief of R. A. Godsey—to the Committee on Military Affairs.

By Mr. CASSEL: Petition of the Patriotic Order Sons of America of Marietta, Pa., for more stringent laws on immigration—to the Committee on Immigration and Naturalization.

By Mr. CASSINGHAM: Petition of Richard Lanning Post, Grand Army of the Republic, Department of Ohio, asking for passage of bill H. R. 12041—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: Petition of the Minnesota Pharmaceutical Association, favoring the Mann bill—to the Committee on Patents.

Also, petition of the Kenyon (Minn.) Commercial Club, favoring an increase of power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Waterville (Minn.) Furniture Company, favoring passage of bill H. R. 9302—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Henry L. Pengilly—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of the Denver Chamber of Commerce, against any reduction of sugar tariff—to the Committee on Ways and Means.

Also, petition of the executive committee of the National Business League, of Chicago, Ill., favoring equitable rates of freight—to the Committee on Interstate and Foreign Commerce.

Also, petition of G. W. Perkins, of Chicago, Ill., against reduction of tariff on cigars coming from the Philippines—to the Committee on Ways and Means.

By Mr. FLACK: Paper to accompany bill for relief of William Brown—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of J. Freedman & Co., of Chicago,



Ill., opposing reduction of the Philippine tariff on tobacco—to the Committee on Ways and Means.

Also, petition of Barnhart Brothers & Spindler, favoring bill H. R. 16560—to the Committee on Patents.

Also, petition of the thirty-sixth legislative assembly of New Mexico, against making one State of New Mexico and Arizona—to the Committee on the Territories.

By Mr. GRIFFITH: Paper to accompany bill for relief of Samuel H. Wilson—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Petition of the Woman's Christian Temperance Union of Adams, Nebr., against liquor selling on all Government premises—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of Utah: Petition of the commissioners of Carbon County, Utah, requesting establishment of additional land office at Price, Utah—to the Committee on the Public Lands.

Also, petition of Wasatch Division, No. 124, Order of Railway Conductors, of Ogden, Utah, to hasten passage of bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of the locomotive engineers of Utah, favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. JACKSON of Ohio: Paper to accompany bill for relief of Mrs. A. W. Kelley, of Kelley's Island—to the Committee on Invalid Pensions.

Also, petition of Denver Chamber of Commerce, against any reduction of the tariff on sugar—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of Indian River Chair Company, favoring enactment of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. KNOWLAND: Paper to accompany bill for relief of Frank A. Leach, superintendent of the United States mint at San Francisco—to the Committee on Claims.

By Mr. LACEY: Petition of citizens of Nevada, Iowa, against law to regulate Sabbath observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MILLER: Petition of citizens of Wabaunsee, Kans., favoring bill H. R. 4072—to the Committee on the Judiciary.

By Mr. PATTERSON of Tennessee: Petition of Mrs. Patti Rodgers Crawford, heir of William H. Rodgers, asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, paper to accompany bill for relief of Robert Polk, of Hardeman County, Tenn.—to the Committee on War Claims.

Also, petition of T. J. Latham, administrator of Elizabeth Walbridge, of Shelby County, Tenn., asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of Sallie J. Valentine, widow of T. J. Valentine, deceased, late of Hardeman County, Tenn., asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of John A. Moore, of Tipton County, Tenn., asking reference of claim to Court of Claims—to the Committee on War Claims.

By Mr. PORTER: Petition of the Mount Washington Young Women's Christian Temperance Union, of Pittsburg, Pa., favoring passage of bill H. R. 4072—to the Committee on the Judiciary.

Also, petition of the Young Women's Christian Temperance Union of Bellevue, Pa., against repeal of the present canteen law—to the Committee on Military Affairs.

Also, petition of 48 members of the Young Women's Christian Temperance Union of Bellevue, Pa., favoring bill H. R. 4072—to the Committee on the Judiciary.

Also, petition of Mrs. G. M. Sloan et al., of the Sterrit Woman's Christian Temperance Union, favoring bill H. R. 4072—to the Committee on the Judiciary.

Also, petition of Mrs. G. M. Sloan et al., against repeal of the canteen law—to the Committee on Military Affairs.

By Mr. RODEY: Petition of Las Vegas (N. Mex.) Brotherhood of Locomotive Engineers, favoring the Bates-Penrose employers' liability bill—to the Committee on the Judiciary.

Also, petition of Division No. 389, Order of Railway Conductors, of Albuquerque, N. Mex., favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. SHEPPARD: Paper to accompany bill for relief of Mrs. Sarah A. Powers, widow of John Powers—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of B. O. Purvis—to the Committee on Invalid Pensions.

By Mr. TAWNEY: Petition of citizens of Austin, Minn., favoring the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN VOORHIS: Paper to accompany bill for relief of Harvey Dennis, of Guernsey County, Ohio—to the Committee on Invalid Pensions.

## SENATE.

FRIDAY, January 27, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

## CREDENTIALS.

Mr. ELKINS presented the credentials of NATHAN BAY SCOTT, chosen by the legislature of the State of West Virginia a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

Mr. WETMORE presented the credentials of NELSON W. ALDRICH, chosen by the legislature of the State of Rhode Island a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 94) to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1905.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President pro tempore:

H. R. 12898. An act to create a new division in the eastern judicial district of the State of Missouri; and

H. J. Res. 206. Joint resolution to provide for the removal of snow and ice from the cross walks and gutters of the District of Columbia.

## PETITIONS AND MEMORIALS.

Mr. PERKINS. I present a telegraphic memorial of the legislature of California, relative to the reimbursement of Frank A. Leach, superintendent of the mint at San Francisco, Cal., in the sum of \$25,000 by reason of the commission of a crime committed by a subordinate employee of that mint. I ask that the memorial be printed in the RECORD, and referred to the Committee on Appropriations.

There being no objection, the memorial was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

[Telegram.]

SACRAMENTO, CAL., January 25, 1905.

Senator GEO. C. PERKINS,

Washington, D. C.:

Whereas Frank A. Leach, superintendent of the United States mint at San Francisco, Cal., has solely, by reason of the commission of a crime by a subordinate employee of said mint, been compelled to pay the sum of \$25,000 from his private means; and

Whereas it is contemplated that a measure will be introduced in the Congress of the United States providing for the reimbursement of said Frank A. Leach in the sum he has been compelled to pay as aforesaid: Therefore, be it

Resolved, That the assembly and senate of the State of California hereby jointly express approval of any such relief measure introduced in Congress for the aforementioned purpose, and most respectfully recommend the passage of such a measure: Be it

Resolved, That the chief clerk of the assembly is hereby directed to telegraph the substance of these resolutions to each Senator and Representative of the State of California at Washington.

I hereby certify that the above is the substance of a joint resolution adopted by the California senate and assembly by unanimous vote.

CLIO LLOYD, Chief Clerk of the Assembly.

Mr. PERKINS presented a petition of sundry citizens of San Pedro, Cal., praying that an appropriation be made for the improvement of the harbor at that place; which was referred to the Committee on Commerce.

Mr. BARD presented the petition of J. F. Russell and 29 other citizens of Riverside County, Cal., praying for continued prohibition in the Indian Territory; which was ordered to lie on the table.

Mr. PLATT of New York presented a petition of the congregation of the First Church of Christ of Kingston, N. Y., and a petition of the Woman's Synodical Society of Home Missions, of Hudson, N. Y., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Chamber of Commerce of Watertown, N. Y., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Local Division No. 41, Brother-